

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

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

**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 6:00 p.m. on February 4, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Commissioner Bruer arrived at 6:05 and Commissioner 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 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 Ms. Garino to approve the minutes for the Commission meeting of January 14, 1997. The motion was seconded by Mr. Middelkamp. Ms. Garino noted an error in each of the headings for the disapprovals: items C, D, E, F, and H. She requested the words "and setting election date" be stricken from each. In addition, she asked that the word "rational" on page 7, paragraph 4, be corrected to read "rationale." Roll call vote: Ayes - Frager, Garino, Middelkamp, Rehagen, Saulsberry. Nays - None. Abstentions - Haddock, Wingron. *The motion passed.*

A motion was made by Mr. Middelkamp to approve the minutes for the Commission meeting of January 21, 1997. The motion was seconded by Ms. Garino. Roll Call vote: Ayes - Bruer, Frager, Garino, Middelkamp, Rehagen, Saulsberry. Nays - None. Abstentions - Haddock, Wingron. *The motion passed.*

### **PUBLIC COMMENT**

There was no public comment.

### **ANNOUNCEMENTS/COMMUNICATIONS**

Ms. Wingron introduced Denise Haddock, the newest appointee to the Commission to replace Ken Tretter.

Mr. Ramey asked Ms. Garino to report on the meeting of the Boundary Commission Review Committee. Ms. Garino stated that it was the first meeting of the Committee established by Mr. Rich LaBore, the President of the Municipal League, and chaired by Mayor Jim Brasfield of Crestwood. She attended the meeting with Mr. Ramey who summarized the work of the Boundary Commission for the Committee. They distributed copies of the revised Missouri Statutes and the Commission's legislative report. The members agreed to review their recommendations and will meet again on the thirteenth to discuss the possibility of proceeding with legislative change. Ms. Garino indicated that Lori Fiegel attended for the County, and it was agreed if any changes are attempted, it should be a cooperative effort by all three interested parties.

Ms. Wingron asked if either the County or the Municipal League had an established agenda pertaining to the legislation. Ms. Garino replied that neither party implied any particular agenda. Mr. Rehagen asked what their response was to the Commission's report. Mr. Ramey stated the Committee preferred to take the documents and synthesize the information before determining their level of interest. Ms. Garino emphasized the critical issue raised in the discussion was the need for agreement among the three parties in order to attempt any change. The next meeting is February 13 at 4:00 p.m at the Clayton Community Center.

### **NEW BUSINESS**

**A. Discussion re: BC9616 - Annexation Proposal: Northeast Area-City of Ferguson**

Mr. Ramey introduced Robert Burns, the City Manager for Ferguson, and his assistant, Brian Scott. In anticipation of this first review, he submitted a letter to the City summarizing the questions and concerns raised by the Commission at the public hearing. At this stage in the review, the Commission needs to determine what further information or changes are necessary to continue with their evaluation of the proposal.

Mr. Burns distributed the City's written response to the questions submitted.

Mr. Frager asked the City to identify on the map the three areas of discrepancy in the legal description. The City indicated that they are in ongoing discussions with the City of Florissant, who expressed opposition to the proposal based on the problem of access to the area off Derhake Road and the possible isolation of the Dunegant Park. The two excluded parcels off Derhake Road appear to be part of the school grounds.

Mr. Ramey stressed the importance of monitoring the time frame of these discussions. Mr. Rehagen asked if the discrepancies would create unincorporated pockets. Mr. Burns responded yes, but two were technical errors in the legal description that have been addressed, while the other involves an issue that still needs to be resolved with Florissant. Mr. Burns indicated there will be a Council Work Session next week to discuss the City of Florissant issue.

Ms. Garino asked the City to specify what areas would be involved in this discussion. Mr. Burns responded the Little Creek Wildlife Area, the North County Vocational School, and the houses in the Whispering Pines Subdivision.

Mr. Ramey noted that the City has expressed their willingness to amend their proposal to include the parcels west of the Seven Hills subdivision on New Halls Ferry Road.

Mr. Rehagen asked if the City will participate in the TGA. Mr. Burns indicated their willingness, and the Council's intention to discuss the issue at their meeting next Tuesday.

Mr. Ramey stated they are waiting for expanded mapping to determine the magnitude, access, and limits of Hathaway Manor which is split by the eastern boundary along the concrete drainage channel maintained by MSD. In addition the City agreed to provide a map listing the private streets and subdivisions.

Mr. Middelkamp asked if the drainage channel was all concrete. Mr. Burns responded that it is. Ms. Garino asked if there is access across the channel. Mr. Burns stated there is not; it runs all the way through the subdivision.

Mr. Ramey noted the City provided the percentage of contiguity. Mr. Burns stated it is 26.7%. Ms. Garino asked how they determined that figure. Mr. Burns explained the City Planning Department has a software program to calculate the percentage.

Mr. Frager asked if they could receive a map of the surrounding area. Mr. Burns responded that this request has already been forwarded to their planning department.

Mr. Saulsberry asked the City to clarify the location of the park involved in the discussions with Florissant. Mr. Burns stated that it is incorporated in the Florissant City limits.

Mr. Wojtkowski asked if the proposal would create an unincorporated pocket to the north of the annexation area. Mr. Ramey indicated that the area to the north is all unincorporated County, and the area will be accessible by County roads. Mr. Wojtkowski suggested that this be examined in detail on a broader map because Coldwater Creek, which created a natural border in Wedgewood, might block off the area. Mr. Ramey agreed this could raise an interesting question regarding access.

Ms. Garino asked the City to provide separate figures on the percentage of contiguity for the northern part of the annexation area compared to the southern section. She also questioned if

the inclusion of the entire Hathaway Manor subdivision would create a pocket to the south.

Mr. Rehagen inquired where the location of the police station is in the City and how they plan to service the new area. After reviewing the crime statistics in the County report, he wants assurance that the City will be able to cover this area. Mr. Burns explained that they were unable to get the statistics from the County until January. The statistics used to determine the additional number of officers and equipment were derived from the ratios of common business areas.

Mr. Rehagen asked how many officers the city has now. Mr. Burns replied 53 officers. He indicated that their station is further south in the City, but they have four substations, one of which is located close to the annexation area near the Central City shopping district in the far northeast corner of the City. Mr. Rehagen asked the City if they planned to add another substation. Mr. Burns indicated the area would become another sector. Mr. Rehagen asked if another substation would not be necessary to maintain proper response time. Mr. Burns responded that the police department operates in cooperation with other area departments to guarantee service. Mr. Frager asked if the City intended to respond specifically on the police issue. Mr. Burns stated they would analyse the new information and respond back to the Commission.

Ms. Garino asked what is the square mileage of the City. Mr. Burns estimated 8 square miles. Ms. Garino questioned where the City's police department building is in relation to the annexation area. Mr. Burns indicated it is further to the south and west. The police department works through a community outreach program to establish a relationship with neighborhoods and local businesses through the use of substations.

Ms. Garino asked if the Community College has their own security force. Mr. Burns stated they do, but the City assists fairly substantially.

Mr. Frager asked if the City would use the two County substations in the area. Mr. Burns responded they would need to discuss that issue with the County.

Mr. Bruer asked if the County substations would close down. Mr. Burns stated he did not know.

Ms. Lori Fiegel from the St. Louis County Planning Department introduced three representatives from the County Police Department, Mr. Bill Howe from the Analysis and Planning Division, the Precinct Commander for the area, and Officer Miller.

Mr. Rehagen stated the statistics from the area seem particularly high compared to other areas of the County of similar size. Mr. Howe responded that the area has a lot of commercial property and generates a high volume of calls. Most of the crimes are larcenies.

Mr. Rehagen asked the City if they planned to hire additional detectives, as the type of crimes noted in the area would require mainly detective work. Mr. Burns said he did not know an exact number, but some of the additional officers would be detectives.

Mr. Saulsberry asked how many officers patrol the area. Officer Miller explained the area has two permanent beats and one overlay beat. The overlay beat covers the area in addition to their three other beats. A beat is equivalent to a sector. Mr. Rehagen asked if most of the coverage was in the commercial area. Officer Miller responded yes, and the entertainment area requires special attention.

Ms. Garino asked about the New Year's incident mentioned in the County report that required 23 officers. Mr. Howe indicated the incident occurred at the Palace lock-in; the business reached their occupancy load and shut the doors. The crowd exceeded their expectations and the police were called to handle the large number of young people remaining outside.

Mr. Wojtkowski asked where the two substations in the area are located. Officer Miller indicated they are outside the annexation area; the first is at the intersection of New Halls Ferry and Chambers, and the second is located on Redman Road. Mr. Bruer asked if the two would

remain in place. Mr. Howe responded he was not sure. Mr. Bruer asked if the government center on Dunn Road in the City of Florissant would stay open and continue to provide services. Mr. Howe stated he can not respond to that question as it is not a police matter.

Mr. Rehagen asked if they would reduce manpower by either cutting or moving the current officers. Mr. Howe indicated it might be some combination of the two. Mr. Wojtkowski asked if they still contract support to Black Jack. Mr. Howe responded yes.

Mr. Bruer asked if there is mutual participation now between the City and County police departments. Mr. Howe explained there are both municipal type and County wide services. The latter are provided to every municipality including Ferguson, but after annexation they would cease to patrol the area.

Mr. Ramey asked if they receive mutual aid from Ferguson in case of additional need for manpower. Mr. Howe stated that all police departments provide mutual aid, but the County rarely requests such service.

Mr. Rehagen asked the City if they have MEG or swat team services. Mr. Burns replied that the City disbanded their MEG services and joined the County drug enforcement program.

Ms. Garino asked the City what their plans are for redistricting. Mr. Burns stated they will have to examine their population, and either re-structure or create additional wards accordingly. Ms. Garino asked how much time it would take to do this. Mr. Burns replied that there is a time limit built into their charter.

Ms. Garino questioned the difference in cost for what the City pays for the fire protection of their own residents verses the payments to the three fire protection districts that service the annexation area. Is it possible the current residents will eventually need to be taxed to pay that difference? Mr. Burns responded that the Council and the administration took this aspect into careful consideration, and decided the annexation is an important fixture for the City's future.

Ms. Garino asked for clarification of the situation with the Black Oak subdivision. Mr. Burns indicated the Council passed a resolution to consider the area a redevelopment district. It will now go before the TIF Commission to consider the effects on various taxing districts, especially the school districts. Ms. Garino asked where it is located. Mr. Burns stated it consists of 91 acres of ground just south of I-270 and the City limits. DESCO development approached the residents with their interest in building an 800,000 square foot Commercial shopping center.

Mr. Wojtkowski asked what is the City's current policy on licensing for pawn shops, and the current number in operation. Mr. Burns replied that they are permitted in C-1 zoning districts at a limit of 1 per 20,000 residents. Currently there are two in Central City. Mr. Wojtkowski indicated this is comparable to St. Louis County's policy where it is currently not possible to license additional pawn shops. He is unsure as to how the City can claim their policies on this issue would make a difference in the area.

Ms. Garino asked again why they selected these particular boundaries. Mr. Middelkamp specifically asked why the southeast portion. Mr. Burns responded that the trustees of areas 1, 2, and 3 of the Capitol Hill subdivision approached the City and asked to be included in their proposal. They considered the concrete channel to be a natural boundary. and selected that as the outer limit.

Mr. Wojtkowski mentioned the difference in character between the two areas in question, and asked whether they should not be considered two separate annexation proposals. Mr. Burns stated the City considers the entire area to be a single annexation. Mr. Middelkamp asked if they would still have 15% contiguity if they divided their proposal. Mr. Frager replied that it appeared possible.

Mr. Frager asked that the County explain the calculations on page eight of the County report regarding the City's financial status. He was unsure how they derived a negative figure. Ms. Cheryl Foster from the County Planning Department stated she would examine her

calculations and issue an errata.

Mr. Ramey stressed the need for consistent numbers between the County and the City's reports. The shift in value of sales tax revenue is not time specific from when the proposal was submitted, and makes it difficult to compare the numbers provided.

Ms. Garino asks if the summary of the impact on page 20 takes into consideration the trash fees paid by the City. Ms. Foster stated that the report only considers the main tax differentials such as property and utility tax.

## OLD BUSINESS

### A. *Discussion and Decision re:*

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

Chairperson Wingron asked the Commission if there is anything which would prevent them from acting upon the proposal.

Ms. Garino asked the City if they feel there will be problems with the amount of rezoning the proposal requires. Mayor Brasfield stated the area follows the County zoning plan for the most part. Their City attorney requested they change classifications where needed to match the County more specifically. But there is nothing that exists that does not fit, and their zoning policies are flexible for both residential and commercial property.

Ms. Garino asked if they included both sides of Pardee Road. Mayor Brasfield responded yes. Ms. Garino asked if the City would be responsible for servicing this road after annexation. Mr. Leichliter stated that it will remain a County arterial road and is similar to Sappington Road which runs through the City, but is maintained by the County. If the County changes the designation from a main arterial road, than it will become the City's responsibility to maintain it.

Mr. Wojtkowski asked if the City agreed to continue with the TGA. Mr. Leichliter stated yes, the City agreed in writing to meet all the requirements of the County.

Ms. Garino asked if there are any County parks in Crestwood. Mayor Brasfield responded no.

Ms. Garino asked why the residential and commercial utility rates are different. Mr. Leichliter indicated that the figures reflect the way the gas companies figure the utilities. Because the 6% charge applies to gross receipts, it includes sales tax. The use of 5.7% for commercial property results in a balance of 6%.

Mr. Frager inquired what is the City's opinion on the County's much lower figure for sales tax revenue. Mayor Brasfield stated that they are comfortable with the estimates they collected which were driven by the population of the area, and correspond almost exactly with the County figures. Mr. Ramey clarified that the difference is noted in the Summary of Finding and Decision, because the City will receive an additional 1/4 cent and 1/2 cent sales tax that the County does not include. Mayor Brasfield agreed the gain to the City is more, but it is not their gain at the County's loss. The City of Crestwood levies this tax in the area, but 25% is rebated to the County for three years.

Ms. Garino referred to the comments made by the previous head of the County Department of Planning, June Fowler, that the area is comprised by irregular boundaries. She finds difficulty in considering the boundaries to be logical. Mr. Leichliter stated the boundaries follow the Crestwood and Grantwood Village boundaries and Rock Hill Road which he believes to be the most logical choice. They are irregular because the Grantwood Village boundaries are irregular.

Ms. Garino asked why they did not go to Laclede Station Road. Mayor Brasfield stated

there have been discussions to incorporate Affton, and Rock Hill Road would serve as a natural boundary for any future city. In addition, it would have entailed a much bigger area of different character, and a significant increase in population. There are few streets east of Rock Hill Road to use for a smaller portion, and the cemetery would serve as a barrier. Mr. Middelkamp commented the area is fairly separate from Watson.

Mr. Wojtkowski stated that the City has not passed an ordinance to guarantee their acceptance of the TGA, and he can not vote in favor because of that issue.

Ms. Garino stated that the deadline is not until March 14 and thinks they should not rush the decision. The proposal has long range consequences and this would allow time for an ordinance to be passed.

Mr. Rehagen inquired what negative consequences would result. Ms. Garino stated she finds the eastern boundaries problematic for orderly incorporation.

Mr. Bruer said he considers this a good proposal and thinks they should let the residents decide. Ms. Garino questioned whether this is the best option, and expressed an interest in considering other alternatives for this area. Mr. Middelkamp stated that Grantwood Village made it clear they are not interested. Mr. Bruer added that the people in the area have a better handle on what is in their best interest. In addition, he considers this proposal the best of the three other possible arrangements for the area.

Ms. Garino indicated she wants to be assured it is a good arrangement; she does not think it is a clear cut decision. Mr. Bruer mentioned the City may not have 15% contiguity if they go further east. The City expressed a desire to take the territory they can practically handle, and may expand once they establish greater familiarity. The City has appeased all of their neighbors and possible parties, and has acquiesced to all the Commission's requests; it appears they thoroughly thought this proposal out.

Mr. Saulsberry agreed; the City told the Commission that this is the area they can handle now, and it makes sense in terms of boundaries. It is orderly and appears to fit.

Mr. Rehagen asked the City whether they could pass an ordinance regarding the TGA in two weeks. Mayor Brasfield indicated he did not see why not, but the question was never pursued and the City was never aware they had to pass an ordinance. He is unsure what the County requires for such an ordinance, and what of the area needs to be included. Those details would have to be arranged with the County.

Mr. Rehagen indicated it appears to be a small portion. Mr. Leichliter stated he spoke with the Highway department and mainly it involves several properties that front Rock Hill Road.

Mr. Bruer stated that the City demonstrated their willingness throughout this process to meet the Commission's needs, and there should be no reason to suspect now that they will not fulfill this requirement. Mr. Wojtkowski responded that it sets a precedent. If they do not require it of all proposals, and establish consistency, they may not be able to mandate participation down the road. Ms. Garino reiterated they still have time before they have to vote.

Mr. Bruer asked why they did not request an ordinance. Mr. Ramey stated that the request was made of Sunset Hills because initially the City refused. It has not been established as a specific requirement, and they did not request an ordinance from the City of Manchester who indicated their willingness orally and in writing. He concluded that they can establish this as policy if it is so desired, and require an ordinance from Ferguson, but this was never requested of Crestwood. Mr. Rehagen asked the City if two weeks was sufficient time to pass an ordinance. Mayor Brasfield said their Council meets in a week, and it will depend on the cooperation of the County whether they can produce an ordinance in two or three days. Again, this is a new issue.

A motion was made by Mr. Bruer to approve proposal BC9611. Mr. Saulsberry seconded the motion.

Mr. Bruer stated he understands the argument Mr. Wojtkowski is making, but he feels it is unfair to penalize the City, especially when time is a factor and the Commission can not guarantee another meeting with everyone present to vote.

Ms. Garino stated for the record she thinks the use of an unincorporated road as part of the contiguity for boundaries sets a problematic precedent although it fits the legal definition. Mr. Frager said the City already had 15% without the road, it was included to clear up an unincorporated pocket. Ms. Garino clarified that she only mentioned it because it is an interesting approach that could become an issue in the future.

Mr. Wojtkowski stated that the Commission makes a serious error in not requiring consistent action from the municipalities in these annexations.

Mr. Rehagen referred to the verbal and written agreement offered by the City.

Mr. Wojtkowski stated trust is not the issue, the fact is the Commission does not have the authority to enforce a letter, and there are no consequences to the City.

Mr. Saulsberry responded that even if the City passed an ordinance, they can legally repeal it. It is a better policy to accommodate those municipalities that are cooperative than count on an ordinance. This message should be established in the future, but they can not penalize this group retroactively. Mr. Wojtkowski stated two weeks should be sufficient time to accomplish this task and set a precedent now.

Mr. Frager asked what the Commission gains by postponing a vote. Ms. Garino stated she has problems with the boundaries and after hearing further discussion of this issue, wants time to consider it. Mr. Frager stated they have enough members present to vote now. Mr. Rehagen agreed this is a good point.

Mr. Frager commented he did not want to penalize the City. He considered the request from Sunset Hills necessary because of their refusal. He does not want to establish a reputation of making such requirements of cities at the last minute.

Roll call vote on approval of BC9611: Ayes: Bruer, Frager, Middelkamp, Rehagen, Saulsberry, Wingron. Nays: Wojtkowski. Abstentions: Garino, 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. Ramey discussed the agenda for the meeting of February 18. Besides approval of the Summary and Decision for BC9611, the only outstanding issue was the results of the meeting with the Municipal League and the County regarding the legislation. 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 February 18, 1997