

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

**MEETING MINUTES  
March 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	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	A
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 6:00 p.m. on March 18, 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. 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

February 18, 1997. The motion was seconded by Mr. Rehagen. Voice vote: Ayes - All Nays - None. *The motion passed.*

## **PUBLIC COMMENT**

There was no public comment.

## **ANNOUNCEMENTS/COMMUNICATIONS**

To expedite the first item of new business, the presentation by the St. Louis County Police Department, Ms. Wingron asked that this item, announcements/communications, in absence of an objection, be moved to the end of the agenda.

## **NEW BUSINESS**

### **A. *Presentation re: St. Louis County Police Department***

Colonel Ronald Battelle, Chief of Police, first introduced the members of his staff present: Bill Howe, Supervisor of Planning and Analysis, Charlie Schillinger, Supervisor of the Municipal Services Unit, and Jack Webb, Commander of Staff Services. His presentation addressed the role of the County police department in St. Louis County, and specifically the impact of annexations and incorporations on the police department. He distributed an organization chart that he then used to explain which services are used exclusively for unincorporated St. Louis County, and which are County wide services that benefit all municipalities.

There are two units out of his office, Intelligence and Municipal Services. The intelligence unit gathers information on criminal activity throughout the County and distributes it to all municipalities. The municipal services unit provides contract administration for services provided by the County to participating municipalities. They have been quite successful with contracting, and have offered a variety of new contracts resulting in an increase in income from \$350,000 to 4 million dollars. Commissioner Bruer asked if he thought more municipalities, depending upon the area, would contract services in the future. Mr. Battelle responded that the County offers full service patrol to several cities including Wildwood, Black Jack, Hanley Hills, and Fenton. Mr. Saulsberry asked how they charge for such services, by a flat fee or per terms? Mr. Battelle answered the contracts are usually for five year periods, and the City pays based on the services performed. Mr. Howe explained the services are provided cafeteria-style, the city pays for the cost of each specific service, direct services being different than support services. Mr. Rehagen asked if the income generated is reflected in the Police budget or in the general County fund. Mr. Howe responded the money goes directly into the general county fund in compliance with County accounting practices, and the pool of money is then distributed to all County service providers.

Mr. Rehagen asked why then the police budget has gone up and officers have been added. Mr. Battelle replied that although they have lost some area through annexations, the number of calls has continued to increase. Mr. Howe explained that the utility gross receipts tax and the cigarette tax are earmarked by law exclusively for the Police department. Mr. Frager asked what CARE is. Mr. Battelle answered it is the computer assisted record keeping for all local jurisdiction detectives. Mr. Rehagen asked if they would increase the number of police officers per population in the contracted area to satisfy the needs of the municipality. Mr. Battelle stated that this is a decision of the municipalities because they pay for it.

Mr. Rehagen asked for an accounting of the increase in personnel through the present time. Mr. Howe explained that a third came from the revenues generated by contracting, a third from federal government grants, and a third from County government funding. Mr. Battelle stated the current figures should not be compared to 1990 because in his opinion they were understaffed at that time. Mr. Ramey asked for a ratio of the division of patrol dedicated to unincorporated areas

compared to contract areas. Mr. Howe responded he did not have an exact ratio, but would estimate 10% because in addition to municipalities, they contract to a number of schools, Metrolink, Bi-state, etc.

Mr. Battelle continued with a discussion of Special Operations. In addition to Swat services, the County police provide for search warrants, high risk actions, and disaster situations county-wide. Mr. Rehagen asked how many people they have in emergency management. Mr. Battelle replied 12. Ms. Garino asked if they contract with outlying areas or St. Louis City. Mr. Battelle answered yes, they do, for example on use of their helicopter. Mr. Rehagen asked how many volunteers they have enlisted. Mr. Battelle explained that they try to maintain 75 certified volunteers, though currently they have 55 participants.

Out of their detective bureau they handle arson, drug enforcement, and gang problems County-wide, in addition to providing a MEG unit. They have 40 officers undercover that include both County and municipal detectives. Mr. Frager asked how a municipal officer is pulled into this division, and how the cooperating municipality is compensated. Mr. Battelle answered the program is run by state grant and the municipality is not reimbursed. Mr. Saulsberry asked about the severity of the gang problem in the County. Mr. Battelle answered it is a serious problem throughout the County particularly in the North and South. They also handle vice, prostitution, family crimes, child abuse, and domestic violence County-wide in addition to 75-80% of all homicides in the County. The state gives the County responsibility for issuing state warrants for criminals arrested outside the state which requires considerable travel. Mr. Rehagen asked how many people are in that department. Mr. Battelle answered 15.

The County also collects evidence and manages an advanced crime lab, which was paid for through a bond issue in the County. Mr. Rehagen asked if they meet or excel the national standards for the crime lab. Mr. Battelle stated they meet all of the standards and have one of the best labs in the nation. They provide prisoner convey county-wide, and state law mandates that they maintain criminal records County-wide. Mr. Rehagen asked when the new jail will be ready. Mr. Battelle replied at the end of the year. In addition the County dispatches for 16 municipalities, and provides training and a tuition grant program used throughout the County.

Mr. Rehagen asked how the Department perceives the reduction in income caused by annexations. Mr. Battelle responded that there is a difference between numbers and service. The loss represents more than a financial, dollar amount loss to the department, it has County-wide effects on services, especially when the wealthier areas tend to subsidize the poorer areas. It is not the negative effects of one proposal, but the cumulative effect. Mr. Howe discussed the 5% utility tax earmarked for law enforcement, the \$5 per person collected in unincorporated County for cigarette tax, and the portion of sales tax that is lost due to annexations. For example, South Pointe would have represented a one-third revenue loss to the County police department. Mr. Frager asked if the problem with funding really reflects a greater County distribution problem. Perhaps the money earned by the police department for contracted services should not end up in the general fund and be divided between all service providers. Mr. Howe replied that the Department loses more than utility tax through annexations, they reduce the total amount of County revenues to be distributed.

Mr. Ramey mentioned the sales redistribution tax plan was established to help the County through annexations. He also stated that 50% of the department's funding comes from non-dedicated sources. Mr. Bruer asked even though everything else gets allocated, the department should still have this dedicated revenue in addition to other sources. Mr. Howe stated they lose the bulk of sales tax revenue when an area is annexed. Mr. Bruer asked if they couldn't contract out services and compensate for the loss. Mr. Howe responded that the loss would still exceed the gain. Ms. Garino asked what the impact of Wildwood was on the police department. Mr. Battelle recalled that the Department lost money even though they increased the level of services contracted. Mr. Frager asked why they don't charge for contracting other county-wide services. Mr. Howe explained they can not charge a contract city for services they provide all municipalities for free. Ms. Garino asked whether they charge a fee for service provision. Mr. Howe said they operate on a

straight cost basis, they do not work for a profit.

Mr. Rehagen asked how many employees the department has. Mr. Battelle responded 810 total, with 625 police officers. Mr. Saulsberry asked if the effects of annexations cause the budget to shift during that fiscal year. Mr. Howe answered that typically they have a year to adjust. Mr. Bruer asked what formula they use to determine the cost of an annexation. Mr. Howe stated they use an average utility bill for the area, a portion of assessed valuation, and the per-capita cigarette and sales tax. Sales tax is distributed County-wide at the discretion of the County Council as to the proportionate share for each department.

Ms. Wingron stated that it seems the policy decision not to charge fees for services needs to be reevaluated. Mr. Battelle stated that the portion of property taxes municipalities contribute to the County is not sufficient to cover the County-wide services they provide. Mr. Ramey summarized the issue in a question: at what point is there a negative impact to the County, and are the municipalities willing to pay for it? Perhaps there is a need for restructuring, especially as all County residents pay the same, though not all municipalities use the services equally. Mr. Frager asked if the County is limited by statute from charging fees to provide services. Mr. Battelle stated there is no statutory restriction.

Ms. Wingron thanked Mr. Battelle and his staff and invited them to return at another time to discuss the separate issue of evaluating the police services that are actually provided.

Ms. Garino made a motion to recess the meeting in order to hold a 7 p.m. public hearing on a proposal from the City of Ellisville, BC9701. Mr. Saulsberry seconded the motion. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

## **OLD BUSINESS**

Mr. Bruer made a motion to reconvene the public meeting at 7:50. Mr. Middelkamp seconded the motion. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

### **A. Discussion of BC9616 - Northeast Area - City of Ferguson**

Mr. Ramey discussed the list of questions and requests for information submitted to the City. He called attention to the letter from the City stating their intent to modify the proposal within the 60 day revision period. This time limit does not apply to changes in the legal description to correct mistakes, which account for three of the modifications.

Their letter of February 27 also stated their commitment to participate in the TGA, but the Commission has not yet asked the City to pass an ordinance on this issue.

The question regarding the separate percentage of contiguity for the area to the north and to the south remains unanswered at this time.

The City has agreed to extend their northwestern boundary all the way to the center line of New Halls Ferry Road, adding seven additional parcels to their proposal.

In response to Mr. Wojtkowski's question regarding the possible creation of an unincorporated pocket to the north, Mr. Ramey suggested this issue be included in a broader discussion at another time. The unincorporated pocket requires three tests: density, population, and access. The question is what defines the boundaries the territory in a proposal in order to determine an unincorporated pocket. If they do not define the access points of territory by municipal or county boundaries, then do they allow a proposing agent an opportunity to craft an unincorporated pocket in any area that meets all three tests. The main consequence of this definition is the influence upon the vote. In addition, it is only an unofficial policy that the Commission not leave an unincorporated pocket. How a pocket is defined, or by whom, will have a direct impact on this informal policy.

Mr. Martin agreed this issue raises some interesting problems if they allow an area to be considered a pocket based upon the boundaries as they are selected, rather than using defined

jurisdictional boundaries.

Mr. Ramey stated the Kensington proposal offers a clear example of a proposal defining the boundaries by using a branch of Coldwater Creek to separate the proposal from the Wedgewood area. Now they must consider the potential for pockets to be created based on this interpretation. One possible option is a rule adjustment to define "territory" by a jurisdictional boundary to prevent any line drawn on the map from creating a "pocket" issue where one does not exist.

Mr. Martin suggested further definition would prevent a proposal from defining the points of access, lend to a consistent understanding of what a pocket is, and limit what boundaries can be used to create a pocket. This definition would not force a proposing agent to use any particular boundaries, only prevent them from calling an area a pocket that is not.

Mr. Rehagen asked if they set a precedent by using the creek as a boundary in the Kensington proposal. Mr. Martin responded that they are able to change their Rules as long as they follow the appropriate procedures.

Mr. Saulsberry stated his difficulty with this action. If this section of the statute does not provide clear direction, he questions the authority of the Commission to limit the interpretation through further definition. He would prefer the Commission maintain the ability to analyse and determine on a case by case basis whether the boundaries of the territory make it a pocket. The Commission, no more than the legislature, can anticipate every possible scenario, and should not make a change in the Rules that limits their options.

Mr. Bruer asked, specifically, if they would create a pocket by approving the Ferguson proposal. Mr. Rehagen asked if it would actually be the City of Florissant who would create the pocket by submitting a proposal for that remaining territory.

Mr. Ramey stated this is the dilemma at hand for the Commission. Ms. Wingron recommended they place this item on the April 1 agenda for further discussion. Mr. Ramey returned the focus of the discussion to Ferguson's proposal, and asked the Commission if they have further questions of the City.

Ms. Garino asked about the property at the east edge of I-270 where the boundary connects the north and south portions of the proposal. Mr. Burns replied that it is commercial property, currently half occupied. Ms. Garino asked what is located on the east side, and why the City split this commercial property. Mr. Burns responded that they excluded a UE substation. Ms. Garino stated that she understood the area was included in the proposal to tie the northern and southern portions, but it appeared to isolate a commercial use on that side of I-270.

Mr. Frager asked for clarification again on how these southern boundaries were selected because parcels on the east side of the creek were also excluded. Mr. Burns responded that there was no clear-cut deciding factor involved. They wanted to include the entire interchange, and tried to encompass the whole area because they currently have jurisdiction over only half of this interchange.

Ms. Haddock asked what commercial property was located on the parcels included east of I-270. Mr. Burns answered half is occupied by a Carpet World, and half is vacant. What is the advantage to the City in including this area? Mr. Burns explained it will provide consistent police jurisdiction and signalization at street intersections such as Dunn and Pershall Road which have experienced problems with synchronization. Mr. Bruer asked if these are state and County roads. Mr. Burns stated yes, but they could be better maintained if they were under the same jurisdiction, all included in the City limits.

Ms. Garino asked for clarification on the location of the pockets created by errors in the legal description. Mr. Burns demonstrated on the map the pocket in the Capitol Hills subdivision, the one between the Seven Hills subdivision and the City of Black Jack, and the one in the Northwest corner by the City of Florissant. In addition, they responded to the Commission's request to include the parcels east of New Halls Ferry Road.

Mr. Ramey explained the change along New Halls Ferry Road requires an additional public hearing. Although they are not significant modifications, according to the Rules, an additional public hearing is required for any boundary change modification.

Ms. Garino asked why in the southern area of the proposal, the southern boundary on the west is drawn further south than on the east. Mr. Burns stated there is no specific explanation he can offer for that particular configuration. Mr. Frager stated that even if the boundary is uneven, the Commission has passed the sixty day period with which to make any modifications to the proposal. Mr. Ramey confirmed that March 8 was the final review day for the municipality to make changes according to the Rules. Only minor discrepancies in the legal description can be changed.

Mr. Ramey suggested they hold the public hearing at the Boundary Commission office on April 1 because only the effected property owners along New Halls Ferry Road will be involved. Mr. Rehagen agreed the changes were not significant enough to mandate a larger hearing space.

Mr. Bruer made a motion to hold the public hearing on April 1. Mr. Rehagen seconded the motion. Roll Call Vote: Ayes: Bruer, Frager, Garino, Haddock, Middelkamp, Rehagen, Wingron. Nays: None. *The motion passed.*

#### **B. Discussion of Rule Change re: Traffic Generation Assessment Areas**

Ms. Wingron recommended the Commission move this item to the April 1 agenda when it can be discussed with more members present, and in conjunction with other possible rule changes such as the unincorporated pocket and the 60 day review period that limits the proposing agent's time to modify a proposal.

#### **ANNOUNCEMENTS/COMMUNICATIONS**

Mr. Ramey stated that in talking to cities there appears to be more interest in the simplified boundary change procedure. He mentioned Clarkson Valley's interest in completing a transfer of jurisdiction with the City of Chesterfield. They remain responsible under the Rules to meet similar requirements as in a regular annexation proposal which is an onerous process for so small and unsubstantial a change.

Mr. Bruer asked what possibilities could be suggested to expedite this process. Mr. Ramey stated that he had been discussing with Mr. Martin several possible rule changes, but wants the Commission's opinion before proceeding further with recommendations. The Commission demonstrated their interest in this suggestion, and Mr. Ramey agreed to work further on this issue.

Mr. Rehagen asked to see the letter received from Representative Chris Liese, and copies were distributed.

Mr. Ramey mentioned the ordinance submitted by the City of Florissant to officially withdraw the Dunn Road annexation proposal in accordance with the Commission's Rules. Mr. Rehagen made a motion to receive and file the ordinance withdrawing BC9614. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

#### **ADJOURNMENT**

Mr. Rehagen 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 April 15, 1997