

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

**MEETING MINUTES
April 1, 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

CALL TO ORDER

The meeting was called to order by Chairperson Wingron at 6:30 p.m. on April 1, 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.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey announced that he will meet with the City Council of Normandy to discuss annexation of a single lot containing a nursing home. He will also meet with the City of Fenton regarding two or three projects they are considering. He anticipates their first proposal will come forward rather quickly.

Mr. Ramey also mentioned a suggestion made to offer members who leave the Commission in goodstead a certificate of appreciation or some other recognition of service. Mr. Rehagen asked if he received any notification from the County Executive's office regarding appointment of a member to fill the remaining vacancy. Mr. Frager remarked that a letter might be appropriate.

OLD BUSINESS

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

Ms. Wingron opened the discussion on BC9616, asking the members if they had further questions of the City at this time. Commissioner Garino asked why they believed a new vote would be favorable after their efforts failed in 1986. Mr. Burns replied the majority of the opposition at that time came from the residents of a high-rise Senior Citizens home that is no longer in existence. It was a considerably smaller proposal, but these residents organized a strong anti-annexation drive. The City included more residential areas in this proposal, and received approval from the cinema complex.

Commissioner Wojtkowski asked the City to describe their sign ordinances and explain their process for approval. Mr. Burns stated that the City has been working on a new ordinance that will probably go into effect April 15. For C-2, planned commercial property, the developer must submit their planned sign to the Council for approval. In other areas the requests are handled administratively. Residents can apply for a temporary sign three times a year and receive a thirty day permit, but this is one of the policies they plan to change in the new ordinance. Mr. Wojtkowski asked how the City handles illuminated sign faces. Mr. Burns stated they are driven by the building or the street frontage. Mr. Wojtkowski asked if he could see a copy of the proposed sign ordinance. Mr. Burns agreed to provide this document.

Commissioner Rehagen asked if they would grandfather the existing signs for a particular length of time. Mr. Burns answered they will be grandfathered without a sunset clause.

Commissioner Garino asked Mr. Ramey if in his opinion the map in the modified proposal detailing the percentages of contiguity was configured correctly. Mr. Ramey explained the top numbers indicated the total number of contiguity (27%) for the proposed area, and the additional figures below represented superfluous information the Commission really did not require or need. Mr. Frager indicated the memo distributed with the percentage of contiguity split between the north and south portions of the annexation area, in response to the Commission's request.

Commissioner Frager asked the City what they will do with the extra money they receive from the annexation. Mr. Burns replied that they will be able to increase services to the residents of the current City and the annexation area as well as address a backlog of capital items totalling close to ten or twelve million. They plan to handle some of these issues, such as needed street repair through bond issues. The City will also use the funds to hire additional personnel in the future. They have a limited revenue stream and most of the city is developed with not much land for either residential or commercial construction.

Commissioner Bruer asked if these improvements applied to just the current City. Mr. Burns stated they will apply to the annexation area also. Mr. Bruer asked what improvements the City planned to address in the annexation area in the following year if the proposal was approved and passed. Mr. Burns answered they would focus on curb replacement, sidewalks, and adding park land because the area does not have good access to park space. Also, the Seven Hills subdivision discussed with the City taking over their private park which is in need of some additional improvements.

Commissioner Bruer asked what land is available in or near this area for park space. Mr. Burns stated there is land off Mehl Road and in the southern area within an existing subdivision.

Another issue they would consider is coordination of signals at several intersections affecting the area.

Commissioner Rehagen asked if the City is at their maximum sales tax potential. Mr. Burns replied that they are not, but they lost four major businesses in the last year, including the Central Hardware, a Zams, and the National Food Store, which provided close to a million in sales tax revenue. The City could still impose the 1/2 cent park improvement tax, and they could impose the 1/4 cent local option tax, but they already impose the 1/2 cent capital improvement tax.

Commissioner Saulsberry asked if there are any existing County plans connected to those improvements. Mr. Burns stated there are not.

Commissioner Garino asked about the undeveloped land in the south of the City. Mr. Burns explained that the land is owned by Emerson Electric and contains their world headquarters. Ms. Garino asked if there are other parcels of developable land in Ferguson. Mr. Burns responded that approximately 18 acres are left near I-270 and another 12 acre parcel, but most of the land is owned by private companies. Ms. Garino asked about the two other large open spaces on the map. Mr. Burns stated one is the Community College and the other is a State park.

Commissioner Rehagen returned to the issue of public safety raised at a previous meeting and asked the City if they revisited the number of police sectors and substations. Mr. Burns replied that they examined the numbers of the County and divided up the categories of crimes. Most of the heavy crimes were accounted for by shoplifting in the commercial areas which is a problem the City has a lot of experience handling. They believe the Central City Substation will be close enough for good coverage, and the City is in the process of redevelopment for that shopping area and may consider another substation within the annexation area. Mr. Rehagen asked the City to indicate on the map where their police station is located, and what the time would be from the main station to the north of the annexation area, the Seven Hills subdivision. Mr. Burns approximated five to seven minutes to be practical, but typically they have six to seven patrol units in the area, with an overlapping shift and an extra car to maintain that overlap. Mr. Rehagen asked the total number of officers they have currently, and the population. Mr. Burns answered they will add seven to a total of 61 for a population of 26,300 people.

Commissioner Haddock asked if they have a municipal fire department. Mr. Burns stated they do but the fire districts will continue to provide service to that area. Commissioner Garino asked if they have a contract with the fire protection districts. Mr. Burns said they will contract the arrangement and continue their mutual aid agreements. The City has talked to all of them, and they agreed informally to the contractual terms. Ms. Garino asked if the City has no control over the terms of the contract. Mr. Burns stated the terms would be agreeable to the City, and they will not pay more than the residents currently pay. Ms. Garino asked if the contract is a public document, and if she could see a copy. Mr. Burns said yes, a copy can be provided.

Ms. Wingron stated this item will be placed on the April 15 agenda for further discussion.

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

Mr. Ramey stated the idea was to include in the Rules a requirement that the proposing agent acknowledge the existence of the TGA and advise the Commission of their position, i.e. support. This issue is not as immediately pressing, and he suggested they consider it in a more global review of the Rules. Ms. Wingron recommended they establish a committee to consider necessary changes. Mr. Bruer, Mr. Wojtkowski, and Mr. Saulsberry agreed to work on this committee. Mr. Bruer urged other members to make suggestions regarding other issues in the Rules they believe require consideration for modification. Ms. Wingron agreed they will approach this as an open committee.

C. Discussion re: Determination of Unincorporated Pockets

Mr. Rehagen asked if the Commission previously approved annexations that ran their boundary lines down a creek. Mr. Ramey stated both the Wedgwood and Kensington proposals used a creek as a boundary.

Mr. Wojtkowski stated this issue seems to be making a fairly clear definition foggy. He felt if the Ferguson proposal is approved it will create an unincorporated pocket, because the area meets the three criteria involved: population, density, and access. Just because a proposing agent can treat it as a pocket or combine the territory and avoid the pocket issue does not mean the geographic area does not by law meet the tests of an unincorporated pocket.

Mr. Bruer asked if following that interpretation the river could be considered a barrier, making a large portion of the County an unincorporated pocket. Mr. Wojtkowski stated the population would then exceed the requirement. But, in his opinion, you can apply the test to any area. Mr. Bruer asked if it is appropriate to allow any area chosen to define application. Mr. Wojtkowski stated any area either is or is not an unincorporated pocket based on the three qualifications.

Mr. Rehagen asked what is the population of the area north of the Ferguson proposal up to the creek. Mr. Ramey stated just over four thousand people. Mr. Rehagen suggested that although the City can no longer change their boundary to extend it north to the creek due to the time restriction, they could submit another proposal if they wanted. Mr. Frager stated that if the City tried to annex all of the territory, their proposal would not meet the percentage of contiguity.

Ms. Garino asked if in addition, the area to the north wouldn't be better serviced by the City of Florissant. Mr. Ramey stated that the City of Florissant has just purchased the Paddock Hill golf course in this area, south of the creek. In the past they have tried to annex some of the subdivisions in the area and failed. But if you look at the subdivisions in the area, from a standpoint of delivery of service, they are probably better served by Florissant than Ferguson or Black Jack.

Mr. Wojtkowski stated he thinks they should avoid creating another "Crest Aire" situation allowing three communities, in this case Florissant, Ferguson, and Black Jack, to compete for the same area.

Mr. Rehagen asked why this issue was not brought up earlier in the discussion of Ferguson's proposal. Mr. Ramey responded that the creek is a mile and a quarter north of the proposal, which is a considerable distance to examine to determine whether an unincorporated pocket will be left. He stated that it was Mr. Wojtkowski who first asked the question at a meeting, which raised the issue of who or what actually defines an unincorporated pocket. Mr. Wojtkowski replied it is the territory once it is locked on the basis of access, then the tests of population and density are applied. Mr. Ramey stated they also looked south of Old Manor, but the population there far exceeds the 5,000 required in the definition. But can access arguably be blocked by any natural barrier, be it a creek, river, highway, or utility line? Should all these things be necessary to examine in consideration of the pocket issue? Can the proposing agent have known to look geographically that far from their proposed boundaries especially when the Commission has no formal statement that forbids leaving an unincorporated pocket.

Ms. Garino asked if the Commission would be creating a pocket by approving Ferguson's proposal. And would they have identified this earlier if they had clearer geographical maps from the start. To answer this the Commission first needs to determine a clear understanding of what will define the territory.

Ms. Garino asked what the distance was from the northern boundary of the annexation proposal to Coldwater Creek. Mr. Ramey answered one and a quarter mile. He provided another example, the city of St. George in the south that wants to annex an area that potentially is an unincorporated pocket if they consider the highway a barrier. If they are able to use that boundary, it will clean up a problematic access issue in that area. In addition, Mr. Ramey pointed out, Ferguson's proposal will leave Dunn Road as an unincorporated pocket.

Ms. Garino asked where that leaves the Commission. Mr. Wojtkowski clarified the issue is not whether the boundary is a natural barrier, the issue is access. There is no road over the creek, therefore there is no access. Mr. Ramey stated this interpretation could result in the Commission allowing proposing agents to craft unincorporated pockets where they should not be. Ms. Garino stated the fact is certain areas are more logically part of another city. One could argue that Ferguson may create an unincorporated pocket, but it may be logical that the area belongs in a city. Ms. Wingron countered that if they vote the proposal down, the area remains County and access is not a

problem. Mr. Frager asked if there are areas in the County that are inaccessible because of natural boundaries, potential unincorporated pockets that municipalities would not be able to incorporate because of the 15% limitation on contiguity. It seems the Commission needs to address whether they absolutely want to forbid a pocket to be left by a proposal because of access as opposed to one created by a municipal boundary. Is it possible that their definition in the Rules can distinguish between pockets left due to access as opposed to other areas inaccessible because of municipal boundaries.

Mr. Wojtkowski stated that it is intrinsically awkward to approve a proposal that creates an unincorporated pocket when the Commission faces enough difficulty in handling existing pockets brought to them in proposals. The area in question has particularly high property values and potentially could motivate multiple cities to compete for the territory. Submitted as an unincorporated pocket, the Commission no longer just reviews the proposal, they pass it.

Ms. Wingron asked if it is such prime real estate, why has no one annexed it already? Mr. Ramey clarified that the City of Florissant has attempted to annex parts of it.

Mr. Frager asked if by continuing in this direction they are pre-empting the discussion on the Ferguson proposal for the next meeting. Ms. Wingron restated the issue in regards to approval of Ferguson's proposal, would they be creating a bad scenario, setting up an area to be taken over as an unincorporated pocket. Mr. Ramey mentioned the golf course which has a small subdivision in the center that Florissant may try to annex.

Ms. Wingron stated she has problems with using a creek as a boundary because it can change. Ms. Garino asked if the creek in question is cement. Mr. Wojtkowski replied it is natural. Mr. Ramey asked that this issue be addressed in the committee's discussion of the Rules in order to clarify for the Commission and proposing agents the policy regarding unincorporated pockets and communicate how they interpret this definition.

Mr. Frager asked if the statute prevents them from defining the territory by municipal boundaries. Mr. Martin explained there is a difference between applying the test to a defined territory and allowing the test to define the territory. You face the possibility that the Commission will differ with a proposing agent over what is or is not accessible. Mr. Middelkamp agreed that they need to clarify their interpretation. If it is defined in the rules, the proposing agents are aware of the possibilities from the outset.

D. Discussion of BC9701 - 207 Kiefer Creek Road - City of Ellisville

Ms. Garino asked a question regarding how Ellisville is interpreting their taxes. Mr. Middelkamp explained that the taxes will not be received until the people are counted in the 2000 year census.

ADJOURNMENT

Mr. Middelkamp made a motion to adjourn. Mr. Wojtkowski 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