

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

**MEETING MINUTES
April 15, 1997**

ROLL CALL

COMMISSIONER	PRESENT (P)/ ABSENT(A)
ED BRUER	P
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	A
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 First Vice Chairperson Garino at 6:15 p.m. on April 15, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Ms. Wingron arrived at 6:30 and Mr. Saulsberry arrived at 6:45.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

A motion was made by Mr. Wojtkowski 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.

APPROVAL OF MINUTES

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting of March 18, 1997. The motion was seconded by Mr. Middelkamp. Mr. Martin noted on page three, in the second paragraph, the acronym "MAG" should be changed to read "MEG" instead. Ms. Rohlfing agreed to correct this. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Rehagen to approve the minutes for the Public Hearing of March 18, 1997. The motion was seconded by Mr. Middelkamp. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting of April 1, 1997. The motion was seconded by Mr. Middelkamp. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Wojtkowski to approve the minutes for the Public Hearing of April 1, 1997. The motion was seconded by Mr. Rehagen. Voice vote: Ayes - All Nays - None. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

TREASURER'S REPORT

Mr. Bruer announced that this is the first report to be issued on a quarterly basis, which explains the new format. Mr. Wojtkowski asked if it was revised to reflect the first quarter's budget. Mr. Bruer explained the budget is based annually, and the report breaks it down quarterly to show how they are doing.

Mr. Middelkamp asked about the encumbered funds listed in the report. Mr. Ramey responded that his salary and Mr. Martin's are not encumbered. If these were to be deducted, the first quarter balance would decrease almost another hundred thousand. Mr. Wojtkowski indicated that a quarterly budget would make the numbers on this report more meaningful. Mr. Frager asked what is the difference between encumbered and unencumbered funds. Mr. Ramey responded that an annualized budget encumbers certain costs through the County system. Mr. Martin explained that encumbered funds indicate money that they are not free to spend somewhere else. Mr. Ramey stated the only true encumbrance is the rent due to a contractual arrangement they have through the end of the year. Mr. Bruer agreed it would make sense to adjust to a quarterly budget. In the future they can also indicate what items should be considered annually as opposed to monthly. Mr. Ramey indicated future reports would reflect this change.

Mr. Middelkamp made a motion to pass the treasurer's report as submitted. Mr. Rehagen seconded the motion. Voice vote: Ayes - all. Nays - none. *The motion passed.*

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey announced that he met with the City of Fenton to discuss their interest in a simplified boundary change. The area, currently underdeveloped and zoned residential, will accommodate a significant commercial development. The City still has details they need to address with the petitioners, but he anticipates the proposal will probably come forward in May. It will require a public hearing which he thinks could be held at their City Hall, situated in close proximity to the area. He thinks the City should discuss at that time their long range thinking regarding other annexation plans for the area. Mr. Wojtkowski asked how many owners are involved. Mr. Ramey stated three to four, one of which is

a church. Ms. Garino asked if the property will be torn down and rebuilt. Mr. Ramey replied it is clearly a redevelopment area, and the developer prefers to be in the City, which will require the City to adopt certain ordinances.

Mr. Ramey also discussed his meeting with the City Council of Normandy. They inquired about the options for annexing a small unincorporated territory completely surrounded by the City. Though the City still has internal politics to resolve, and the owners of the property appear hostile to incorporation, the property involved is a nursing home which raises the issue of how each room is categorized. Depending on whether each room could be designated a dwelling unit, the area could be considered an unincorporated pocket. Mr. Wojtkowski questioned the relevancy of the dwelling units in this situation. Mr. Ramey stated that it would effect the density, the number of dwelling units per acre.

Mr. Wojtkowski stated this may present another definitional issue to be discussed by the Rules committee. Mr. Ramey agreed that it is a complicated issue because they do not know if it operates for profit or not, if any taxation issues are involved, or if there are problems with code enforcement. As a care facility, its classification becomes more complex than an apartment building. It will depend on whether the people who reside there use it as their mailing or voting address.

NEW BUSINESS

A. Resolution 97-01: Election Results BC9601 Area West

Ms. Wingron made a motion to approve resolution 97-01. Mr. Middelkamp seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

B. Resolution 97-02: Election Results BC9602 Wedgwood

Mr. Saulsberry made a motion to approve resolution 97-02. Mr. Wiesehan seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

C. Resolution 97-03: Election Results BC9607 Sunset Hills Area IV

Mr. Middelkamp made a motion to approve resolution 97-03. Mr. Saulsberry seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

D. Resolution 97-04: Election Results BC9613 Kensington

Ms. Wingron made a motion to approve resolution 97-04. Mr. Middelkamp seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

E. Resolution 97-05: Election Results BC9615 Hanna-Sulphur Springs

Mr. Rehagen made a motion to approve resolution 97-05. Mr. Middelkamp seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

Mr. Ramey explained the next step according to the State law, once the election results are certified, is the creation of transition committee for each successful annexation. The annexing municipality appoints two members and the County Council appoints two members from the annexation area to serve on the committee. He discussed this issue with both the City of Sunset Hills and the City of Florissant, but has not yet spoken to anyone at Manchester. Mr. Frager asked what the committee will do. Mr. Ramey stated the purpose is unclear in the law, but it could provide the Cities an opportunity to build public relations in the area.

Mr. Ramey stated he intends to forward copies of the resolutions to the cities and the County to indicate the official date of transition. Mr. Wojtkowski asked what the role of the Commission is in this process. Mr. Ramey responded it is only to create the committee and give them a charge, which will

probably be administrative in nature. The City will essentially take the leadership role.

Mr. Bruer asked if the Commission approves the appointees recommended. Mr. Ramey replied they do. Mr. Rehagen asked what information is provided in order for the Commission to make this decision. Mr. Ramey responded there is no formal review process, and they do not have the authority to select members. Mr. Bruer suggested that clarification of this process be considered by the rules committee.

Mr. Wojtkowski mentioned at most of the public hearings, there were promises made to the residents that the Commission has no authority to enforce. But they could educate the Committee on the issues involved in this annexation by providing sufficient data and a list of these promises or services. Mr. Ramey agreed they would package the proposal, the Finding and Decisions of the commission, and all relevant minutes from the public hearings and meetings regarding the annexation to give the committee, but the Commission is not an oversight authority. Mr. Rehagen asked if they have any responsibility or obligation if the Committee fails in their duties. Mr. Ramey replied there is no definition as to the role or responsibility of the committee. Ms. Garino commented that the meaning of transition is clear, but implementation remains open to broad interpretation.

Mr. Frager agreed the committee needs the official record, but recommended a list be organized detailing the various responsibilities of the City. Mr. Wojtkowski suggested that the relevant information in the minutes could be highlighted to bring these issues to surface. Mr. Wiesehan stated that it should be sufficient to offer any needed help or assistance without excess information or lists. It is enough to make the Commission available without assuming that guidance is needed or wanted. Mr. Bruer agreed that it seemed superfluous for staff to reread five proposals worth of information to highlight the main issues. Perhaps in the future, in anticipation of this committee, this could be organized during the review process. Mr. Middelkamp stated the appointees will presumably be interested parties, i.e. members of the board of trustees, already involved in these areas, and aware of what was promised. Mr. Wiesehan added the City will handle most of the process. Mr. Frager clarified that only basic commitments should be listed, such as street lighting and sidewalks, to facilitate that the promises made to the Commission be kept.

Mr. Middelkamp asked if this committee was needed for every annexation. Mr. Ramey replied not for a simplified boundary change, only if it requires a vote. Mr. Bruer asked if the appointees can be city personnel. Mr. Ramey stated they can. Mr. Rehagen expressed concern with approving committee members they know nothing about. Ms. Garino stated that they approve them because the law says they have to. Mr. Ramey referred to the law and clarified that the County and the cities select the committee members, not the Commission. Their only role is to establish the committee.

Mr. Wojtkowski asked if the committee could prevent the annexation from occurring on the specified date. Mr. Ramey responded that the date of the annexation was determined in the resolution. The committee only serves to facilitate the process as a function of the legislation. There is nothing in the law to specify the duties the committee must complete or to penalize them for their actions.

OLD BUSINESS

A. *Discussion and Decision re: BC9701 - 207 Kiefer Creek Road - City of Ellisville*

Mr. Wojtkowski made a motion to approve BC9701, the proposal from the City of Ellisville to annex 207 Kiefer Creek Road. Mr. Bruer seconded the motion.

Mr. Ramey suggested the commission determine whether an election is required or not for the purposes of staff preparing a finding. Mr. Frager recommended this be addressed in a separate motion.

Mr. Ramey added that the effective date of the actual annexation will be included in the finding and he will discuss this determination with Mr. Anderson, the attorney for the City of Ellisville before he drafts the document.

Roll Call Vote: Ayes - Bruer, Frager, Garino, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wojtkowski. Nays - none. *The motion passed.*

Mr. Rehagen made a motion to determine that an election is not required for BC9701. Mr. Saulsberry seconded the motion. Mr. Wojtkowski stated that the intent of the simplified boundary change process is to avoid a vote. Mr. Ramey agreed, but the possibility remains that extraordinary circumstances could necessitate a vote, and determination should be included in the finding. Roll call

vote: Ayes - Bruer, Frager, Garino, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wojtkowski. *The motion passed.*

B. Discussion of BC9616 - Northeast Area - City of Ferguson

Mr. Frager asked if the unincorporated pocket issue should be discussed at this time, or will it not make a difference in this proposal?

Mr. Bruer asked that this issue be addressed by the Rules committee, as the Commission may not be prepared to address all of the problems involved in this issue. He suggested they focus their discussion on the proposal.

Ms. Garino asked to begin the review with a discussion of the strengths and weaknesses of the proposal.

Mr. Wojtkowski started by expressing certain doubts about the City of Ferguson extending their boundaries north of I-270 to incorporate an area that may fit more logically in the City of Florissant. He stated that he understands the City's desire to expand for financial growth, but would prefer to see the City pursue more seriously consolidation with smaller neighboring cities rather than incorporation. He considers the boundaries to be illogical, and finds it difficult to determine this proposal to be orderly. He expressed his reluctance to set a precedent by accepting boundary lines in absence of a reasonable explanation. He agreed that the unincorporated pocket issue should not enter this decision, but needs to be specifically addressed in the rules.

Mr. Saulsberry asked why this area would belong more appropriately in Florissant. Mr. Wojtkowski replied that the area for access and delivery of service seems more contiguous with Florissant. Mr. Rehagen stated that numerous examples of municipalities divided by interstates exist in the County. He also articulated his concern with encouraging the option of consolidation because the reason many residents prefer to belong to small cities is the better representation they receive.

Ms. Garino asked how many residents live in the City of Dellwood. Mr. Ramey approximated just over five thousand. Ms. Garino expressed her reservations about the proposal. She also found the boundaries to be illogical, particularly in the south, and the City proved unable to satisfy the Commission with a strong explanation for why they selected these boundaries. She also raised issue with incorporating an area divided among three different fire protection districts. The arrangements are too undefined, and the City can not guarantee their citizens will not pay for this cost in the future.

Mr. Bruer stated that it appears the City plans to expand further south in the future, but chose not to take more territory in this proposal than they could handle. Mr. Ramey stated the presence of a smaller municipality causes the configuration to appear awkward on the map. The City explained their reason for extending south was to include the Old Manor and Capitol Hill subdivisions, in part because the people requested to be in Ferguson, and they took the least amount of territory to do so.

He discussed the issue of commonality, whether there is a community of interest within the annexation area. Of all the factors to consider, the most difficult to resolve in his opinion is the issue of geography. Mr. Wojtkowski mentioned another factor is the significant difference between revenues and expenditures. The figures in other annexations have been reasonably close, but this annexation will provide between eight and nine hundred thousand dollars in additional revenue, which he considers an extraordinary impact on the County. Mr. Bruer asked why the City did not separate the proposal into two. Mr. Rehagen added that the gap would be even greater if the proposal just included the territory to the north because of the predominance of commercial property in that area. Mr. Bruer commented that if they split it and took only the residential in the south they would not be able to support the expenditures without the commercial revenue from the north.

Mr. Rehagen asked what the City's reserves are. Mr. Ramey responded one million dollars. Mr. Wojtkowski mentioned they listed a significant backlog of capital projects that need to be addressed. Mr. Rehagen asked how many people are in the City and what is their budget. Mr. Ramey answered the City has 22,000 people with a thirteen million dollar budget. Mr. Bruer asked what they should have in reserves. Mr. Rehagen replied ten percent which they have covered. Though he understands why they would want the additional revenue, it will come at a loss to the County. Mr. Ramey clarified that much of that revenue will result from the capital improvement and sales taxes that are not imposed now. Consequently it is a net gain of \$450,000 to the City's operating budget, and significant money to their

capital funds that do not result in a loss to the County.

Mr. Rehagen asked what the total length of the City would be after annexation. Mr. Ramey replied approximately eight miles. Mr. Rehagen questioned the distance of the facilities in Ferguson from the residents in the annexation area.

Mr. Frager thought they need to ignore the fire protection district issue because it is a requirement established by the state legislature that neither the City nor the Commission can control. It is not fair to penalize the City for this law. Their municipal fire department never articulated protest of this arrangement. Ms. Garino asked what happens if the City doesn't pay. Mr. Wojtkowski stated the districts are defined by the areas they serve, and are bound to deliver to that district regardless of who pays. Ms. Garino replied that Ferguson will have to pay these districts regardless of their future financial condition. Adding just the lots off New Halls Ferry caused a loss because the City has to pay the fire protection district and the incoming revenue does not compensate. She questioned whether there is a potential long term detriment to the existing City residents when unincorporated residents pay 50% more to the Districts for fire service than municipal residents.

Mr. Frager stated it is still part of the legislation, and they must trust the City knows it has made this commitment and will fulfill it. Mr. Middelkamp agreed they can not reject the proposal based on this arrangement with the argument that it is for their own good. Ms. Garino continued to identify this as an issue of long term financial health.

Mr. Frager mentioned the capital projects for improvement the City discussed, and suggested this proposal may help the surrounding area, especially neighboring cities such as Kinloch. He raised an argument that the additional revenues would help the City try to run itself more efficiently, shore up its reserves, and improve neighborhoods, ultimately helping everyone in the area.

Mr. Bruer commented it might be better for the long range growth of the area for the City to consider consolidation with these neighboring communities. Mr. Frager responded if the governments of these other cities are not interested, neither the Commission nor Ferguson has the power to force them to consolidate. Ms. Garino stated that although she recognizes these benefits to the area and understands the need for the City to grow and create a better tax base, the particular boundaries still do not seem logical. Mr. Frager stressed the importance of helping cities become self-sufficient. Mr. Bruer stated he would be interested in learning more specifically what the City's plans are for expansion in the future, and how far they plan to grow.

Mr. Saulsberry expressed the opinion that redistribution of these revenues will not necessarily aid those more economically deprived areas. The funds could continue to be dedicated to preferred areas. He can not consider the boundaries of this proposal to be orderly, and would encourage the area to consider merging with a more logical geographic area.

Mr. Rehagen asked about the City's plans for redistricting. Mr. Ramey answered they plan to redivide the wards. Mr. Rehagen commented about the need for infrastructural repairs in the City especially with the streets. Mr. Frager stated that this might be what the city needs to help maintain itself as a viable integrated community. They can not wait until this area declines even more.

Mr. Ramey asked what step the Commission wants to take next in the process. Mr. Frager asked if anyone needed further information in order to make a decision. The Commission agreed to place this item on the agenda for a decision at the meeting of May 6.

ADJOURNMENT

Mr. Wojtkowski made a motion to adjourn. Mr. Frager 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 May 6, 1997