

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

**MEETING MINUTES
APRIL 21, 1998**

ROLL CALL:

COMMISSIONER	PRESENT (P)/ ABSENT (A)
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	P
PAT MERRITT	P
SCOTT MIDDELKAMP	P
JACK REHAGEN	A
CHARLES SAULSBERRY	P
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	P
VACANCY	

OTHERS PRESENT:

Carl Ramey - Executive Director
Steve Martin - Legal Counsel

CALL TO ORDER

The meeting was called to order by Chairperson Garino at 6:03 p.m. on April 21, 1998. The meeting was held at the Office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, Missouri 63144.

ROLL IS CALLED - QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

Ms. Wingron made a motion to approve the agenda as submitted. Mr. Youngblood seconded the motion. Voice Vote: Ayes - All Nays - None. *The motion passed.*

APPROVAL OF MINUTES

A. Approval of minutes of Public Hearing BC9801

A motion was made by Mr. Youngblood to approve the minutes for BC9801 with any corrections as made by the board members. The motion was seconded by Ms. Wingron. Voice Vote: Ayes - All Nays - None Abstain - Garino. *The motion passed.*

B. Approval of minutes of Public Hearing BC9802 - March 31, 1998

A motion was made by Mr. Youngblood to approve the minutes for BC9802 with any corrections as made by the board members. The motion was seconded by Ms. Wingron. Mr. Middelkamp pointed out that the minutes should reflect that he did not chair the meeting, but that Ms. Garino did preside. Mr. Frager questioned whether the beginning paragraph in Section B was duplicative of Section A. Mr. Ramey stated that the structure of the meeting is to convene the meeting and then conduct the public hearing. It is more of a procedural technicality and could be changed in the future. Mr. Frager also indicated the record should be changed to reflect his absence. Voice Vote: Ayes - All Nays - None Abstain - Frager. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey reported that during the past week several contacts were made, mostly by municipalities, regarding annexation opportunities. The City of Black Jack is considering a small annexation, which they consider to be a clean-up situation. The City of Des Peres has adopted an ordinance seeking a simplified boundary change annexation. We are awaiting their filing of a proposal. The City of Manchester appears to be moving forward with a proposal. Mr. Ramey stated he anticipated something from them during the summer. He also reported that he had a discussion over the weekend with a prospective candidate to replace Jack Wiesehan. She contacted him to gain a better understanding of the workload involved in the Commission. She is a former member of the Hazelwood School Board. Mr. Ramey stated that she had not made up her mind whether to take the appointment. She was to respond to the Mayor of the City of Hazelwood by today.

Mr. Youngblood asked Mr. Ramey to bring the Commission up-to-date relative to his memorandum to the Commission on a consulting opportunity with the City of Fenton. Mr. Ramey responded that he had decided not to go forward with it. He stated that the potential adverse consequence which could arise was something he did not want to put himself or the Commission through. He stated that his standard as an independent contractor was not to do any work for a community that had an active proposal before the Commission or had one coming before it. He stated further that he would not do any work for a community that related to Boundary Commission issues. Mr. Youngblood asked whether he had entered into a contract with Twin Oaks. Mr. Ramey stated that he was under contract. Mr. Youngblood asked further whether it had anything to do with boundary changes. Mr. Ramey stated that it was something which he and the board discussed explicitly and they stated that they were not considering any boundary changes.

Mr. Ramey reminded the members of the need to submit their Personal Financial Disclosure Forms to the State of Missouri Ethics Commission. He pointed out that in the section dealing with the spouses and

children (line 24), that any child, whether dependent or emancipated who is employed in one of the listed categories must be disclosed.

NEW BUSINESS

A. *Pre-submittal Conference with the City of Pacific*

Mr. Ramey introduced Mr. John Openlander, City Administrator for the City of Pacific and Mr. Barry Hogue of Development Strategies, who were here to make a presentation to the Commission regarding the possible annexation of property in St. Louis County. Mr. Ramey indicated the City is currently one of only five cities in the state which extends across county lines. It is the only city in St. Louis County which is split between two counties.

Mr. Openlander stated that he was here to obtain any reaction the Commission may have regarding their possible annexation of approximately 1,000 acres in St. Louis County. By using a map, he described the relationship of the annexation area to the current City of Pacific boundaries, the extent of the city in Franklin County and its relationship to the annexation proposal of the City of Eureka which is currently before the Commission. After 1993 the City began a more aggressive annexation program in Franklin County. Prior to that time, the City had not considered the impact that growth and development outside of its boundaries was having on the city. Most of the annexations have been voluntary, with only one area being taken in through a vote.

He stated that the City's interest in the annexation is two-fold. First, there is a residential developer who is interested in developing a tract of land at the east end of the annexation area, who wants the city's water and sewer services. Secondly, while the city is expanding to the west, the area being sought for annexation is within their natural service delivery area.

Mr. Hogue provided an overview of the area, pointing out I-44, old US Route 66, the Meramec River. The area being considered for annexation is within the service area of the City for water and sewer. It is beyond what the City of Eureka or St. Louis County can service. He pointed out that much of the area is part of the U.S. Silica company and the Missouri Department of Conservation's Palisades Park. Mr. Hogue pointed out that this annexation would benefit the city by providing some additional anchor to the downtown. While the residential growth in the area has been moving west, this annexation would give the city the opportunity to balance that growth by having residential to the east. He felt this was a balanced approach to expanding the city's borders.

Mr. Hogue pointed out that many of the areas previously annexed by the City were not well developed. The city had to expend considerable dollars to bring those areas up to standard. This annexation offers the City an opportunity to annex territory where the development is yet to occur. This area is at the end of the service area for the County. He stated that from a planning and delivery of service perspective there is good rationale for this annexation.

Mr. Openlander stated that the City of Pacific is a regional provider for water and sewer. It is beyond the limits of the Metropolitan Sewer District and the private St. Louis County Water Company. They have the water capacity which is double and a sewer capacity which is triple their population. The City is currently providing sewer service to the Correctional Facility which is to east of the proposed annexation area. While the Correctional Facility has its own water wells, there have been preliminary discussions concerning the City supplying water to that facility. He summarized the City's interest in the annexation as being a reasonable and natural extension of the city's boundary within the city's service area and should not be considered as a land grab.

Ms. Haddock questioned the size of the annexation area. Mr. Openlander stated it was approximately 1,004 acres. Ms. Haddock also sought clarification of the city's eastern boundary, as it extends into St. Louis County. Mr. Openlander reviewed the history of the annexation and how, because of a denial of a liquor license to a restaurant by the County, the area was subsequently annexed.

Mr. Wojtkowski asked where on the map the Franklin/St. Louis County line exits. Mr. Openlander described on the map the county line. Mr. Wojtkowski also asked whether the existing development to the east of the proposed annexation area was on private utilities. Mr. Openlander responded that they were on private well and septic systems. Mr. Hogue reviewed the annexation history of this subdivision with the cities of Eureka and Pacific. He stated that in the past, this neighborhood was not interested in becoming a part of either community. However, if the City of Pacific is able to extend utility services to the area, it might generate interest in becoming a part of the city.

Ms. Garino asked how many property owners would be involved in the annexation. Mr. Hogue indicated it would be in total about two dozen. He stated the city was considering this as a simplified boundary change proposal.

Mr. Wojtkowski sought clarification of the city's statement that they were a regional provider of utility services. He asked whether the city offers services outside of the city. Mr. Openlander indicated they do have customers outside of the city. Mr. Wojtkowski asked whether that meant annexation would not be a precondition to providing services to the residential developer involved in this annexation. Mr. Openlander responded, that generally the city's policy is anyone wanting such service should join the city.

Mr. Frager asked why they included the area to the north, which seems to stick out? Mr. Openlander stated that the area is a wooded area. He pointed out there are two parcels under the same ownership of the land. It also is strategic for delivering water. Mr. Hogue pointed out that the parcel in question realistically has no access for development.

Mr. Wojtkowski asked if the annexation is successful, would the city extend water and sewer service to the subdivision to the east. Mr. Openlander stated they would. Mr. Wojtkowski asked why the city was not including the subdivision to the east. Mr. Openlander's response was their proposal is intended to be a simplified boundary change, voluntary in nature. To include that area, it was quite possible it would not be simplified. Mr. Wojtkowski stated that including them might be the most comprehensive way of looking at the annexation. Mr. Openlander indicated they would be open to considering that comment.

Ms. Garino asked how many property owners were in the excluded subdivision. Mr. Openlander stated there were twenty plus property owners on three to five acre lots. Ms. Garino also questioned the irregularity of the northern boundary. Mr. Openlander indicated it was the northern right-of-way of I-44. The terrain is hilly and creates a ragged boundary.

Mr. Wojtkowski stated that, speaking for himself and not the Commission, the charge of the Commission to insure the execution of orderly annexations in St. Louis County. The word orderly does not mean the easiest way. He felt what was being proposed was the easiest way to annex, because they were only considering properties which would sign a petition. He felt the City of Pacific should rethink its annexation strategy and maybe it would require a vote to consider a more orderly way to annex east of the city.

Mr. Frager asked how the area would be accessed. Mr. Openlander stated that from I-44 there are two accesses, from the Allenton exit in Eureka and in Pacific. The connector road between those exits is Old Route US 66. Access to the area is only from Old Route 66. He reviewed on the map the land area and access, stating there are no other practical points of access.

Ms. Wingron indicated that her comments would be the flip side of Mr. Wojtkowski, and like Mr. Wojtkowski is speaking only for herself. She did not have a problem excluding the subdivision to the east. They appear not to want to be in either Eureka or Pacific. Mr. Openlander stated their last contact was in

1993 and they did not know today how the residents felt.

Mr. Saulsberry referred to the city's statements regarding water and sewer capacity and questioned whether they took into consideration the population of the prison. Mr. Openlander indicated they have the capacity to serve the prison.

Ms. Garino questioned how many homes are planned to be built in the new subdivision. Mr. Openlander indicated a plat had not been filed, but he thought it would be around one hundred units.

Mr. Wojtkowski asked what was the degree of difficulty for a city to operate in two counties. Mr. Openlander stated that the greatest impact was on elections and taxation, but beyond that it was manageable.

Mr. Youngblood asked whether there was any consideration of providing tax increment financing with this project. Mr. Openlander stated there was not.

Ms. Garino asked when the water and sewer would be installed. Mr. Openlander stated it would be with the development.

Mr. Frager asked whether they calculated what the percentage the boundary of the proposed annexation was contiguousness to the present city's boundary. Was it 15%? Also, where would that boundary be located? Mr. Openlander stated they had not, as of yet. Mr. Ramey described the boundary involved in the 15% calculation.

Mr. Wojtkowski questioned whether with this annexation what remained St. Louis County was an unincorporated pocket? Mr. Middelkamp pointed out the access was off Old Route 66. Given the nature of the road structure alone, it may be possible to craft an unincorporated pocket now. The question is the density of dwelling units.

B. Review of BC9801 - Old Fleurissant Golf Club - City of Florissant

Mr. Ramey reported to the Commission that a problem has arisen regarding the degree to which the proposal meets the 15% adjacency requirement. He recommended to the Commission that they should defer deliberation on this matter. He stated the proposal included a calculation that the boundary of the area proposed to be annexed was 15.3% adjacent to the City of Florissant. This same calculation was confirmed to the Commission in the report of the St. Louis County Planning Department. However, based upon his calculation, Mr. Ramey indicated he concluded the calculation should be 14.3%. He stated he has met with the City of Florissant, giving them copies of his analysis. He stated that until the City has had an opportunity to review the assumptions made, determined whether their survey was correct or that his calculations were incorrect, no further action should be taken in this matter. The Commission deferred further discussion.

C. Review of BC9802 - Southwest Annexation - City of Eureka

Ms Garino introduced the representatives of the City of Eureka who were present to respond to questions of the Commission. They were Craig Sabo, City Administrator and Don Anderson, Special Legal Counsel for the City. She indicated this was the first review of the proposal by the Commission.

Mr. Youngblood asked who was the SCI firm and who contracted with them to prepare the letter which was included in the packet. Mr. Sabo stated the SCI company was under contract to do engineering work on the site for the developer. Mr. Sabo clarified that what was submitted to the Commission did not represent the flood management work which was discussed at the public hearing. It was a letter of assurance that they will need to comply with the regulations of the permitting agencies involved in the process and that the work could

be done under those regulations.

Mr. Wojtkowski sought clarification of the tax incentive money which was involved in the project. Mr. Ramey indicated it was a property tax abatement program, which was available to municipalities, under the provision of Chapter 353 of the Revised Statutes of the State of Missouri. Mr. Sabo indicated that the abatement period allowed under a 353 is 25 years. The city's time consideration is something much less.

Mr. Middelkamp asked whether the property owners solicited the city for the simplified boundary change. Mr. Sabo responded affirmatively. Mr. Youngblood questioned whether it was the developer or property owners. Mr. Sabo responded that at least 50% of those signing were property owners who were not involved in the development. Mr. Youngblood referred to a letter received by the Commission suggesting that one of the property owners, Mr. Wallach had been misled. Mr. Sabo refuted the suggestion.

Mr. Youngblood asked what the status was of the zoning review by the city. Mr. Sabo indicated that informal presentations had been made, but noting there was nothing formal before the city, because the territory is not within the city's boundary. Mr. Youngblood asked for the status of the flood plain study which had been asked for at the public hearing. Mr. Sabo indicated that what the Commission received from SCI was not what was requested, but it would be available at the end of the month.

Ms. Garino inquired what impact moving soil would have on the flood plain. Would it be positive or negative? Mr. Sabo indicated it would not be negative. Mr. Anderson asked for an opportunity for the City to offer a written response to the letters submitted to the Commission.

Mr. Wojtkowski commented that the mapping offered by the proposing agents were in general insufficient and would like to have better mapping to aid in their review of proposals.

Mr. Frager asked the city to clarify how the potential development would impact zoning, flood plain and development in general. Mr. Anderson responded that the zoning would not change until the appropriate permitting is completed. Development could not go forward unless and until they are satisfied those issues were properly addressed.

Mr. Wojtkowski asked whether the city considered the affect on their profit/loss if the area did not develop. Mr. Sabo responded that there would be no appreciable affect. Mr. Anderson added that the incremental costs to the city are there already.

Mr. Wojtkowski asked what would be the magnitude of tax relief in this proposal. Mr. Sabo indicated that if the area develops as suggested, it would be in the area of \$15.2 million in property tax relief.

Mr. Youngblood stated that his concern was the impact of taking property out of the flood plain on the downstream and upstream communities.

Mr. Wojtkowski expressed his concern that the proposal did not reflect a long range plan, but was driven by development. Mr. Anderson indicated that at the public hearing the city did testify that since 1991 this area was in the long range plan for annexation. A general discussion ensued dealing with the competing interests of municipalities for territory, the value of planning for annexations and what should be the logical steps to annex territory.

Mr. Frager questioned whether the Commission has a right under the statute to require a vote in cases of a simplified boundary change proposal. Mr. Ramey responded that a vote was an option available to the Commission.

Mr. Saulsberry indicated that from what he has heard of the proposed development, it is questionable whether it will be able to meet all of the hurdles. Regardless of the development, the area is a part of the city's master

plan. He stated that the city's response to a potential development does not necessarily result in a disorderly approach to annexation, but fits a long range plan. City's need to remain flexible and take opportunities. He stated the question is whether the city has met the requirements, and if so, then we need to move ahead.

Mr. Middelkamp stated that in addition to what Mr. Saulsberry stated, a city would be remiss if it did not take advantage of such opportunities. Mr. Middelkamp also asked if there were any registered voters in the area. Mr. Ramey responded that there were; however, as he was made aware, some of them were in a shelter. Notices of the public hearing were sent to property owners and registered voters. Several of the registered voters were returned, addressee unknown. He did not have a number available at that time.

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: May 19, 1998