

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

**MEETING MINUTES
MAY 5, 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	P
CHARLES SAULSBERRY	A
ANNA MARIE WINGRON	A
DON WOJTKOWSKI	A
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 6:00 p.m. on May 5, 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

Mr. Rehagen 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 Commission Meeting of April 14, 1998

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting held April 14, 1998. The motion was seconded by Ms. Haddock. Voice Vote: Ayes - All Nays - None Abstain - Frager. *The motion passed.*

B. Approval of minutes of Public Hearing BC9803 - April 14, 1998

A motion was made by Mr. Rehagen to approve the minutes for BC9803. The motion was seconded by Mr. Youngblood. Mr. Frager stated that prior to joining the Commission he asked whether there would be meetings on the second Tuesday of the month, because he has commitments on the those days. This was the reason for his absence. Voice Vote: Ayes - All Nays - None Abstain - Frager. *The motion passed.*

PUBLIC COMMENT

Jim Booher, Wisteria, St. Louis, Missouri - Mr. Booher indicated that he was in attendance at the Fenton public hearing and the attendance was very low. How were the people notified of the hearing? Mr. Ramey responded that there is a requirement for publishing in a newspaper of general circulation a notice of public hearing. In addition to this notice, the Commission also notifies by regular mail the property owners and registered voters in the area to be annexed of the public hearing. This was done in the case of Fenton.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey reported that he has met with the City of Manchester about possible annexations. He stated the City had been evaluating a number of possibilities. They have been doing public polling to determine the level of interest in annexation. The City Council is expected to make a decision sometime in the early summer on what their approach will be to annexation. Mr. Ramey indicated that if they submit a proposal, he would anticipate its submittal by mid-summer. Mr. Ramey reviewed generally the areas under consideration by the City.

Mr. Ramey also stated that by newspaper accounts, it appears the question of transferring the jurisdiction of the historic Whitehaven property from Crestwood to Grantwood Village may have hit a snag. Ms. Garino indicated that may not be the case as the most recent news accounts now suggests the Park Service, who runs Whitehaven, now wants to be a part of Grantwood Village. Also, the City of Crestwood is doing explorations similar to Manchester, surveying areas south of their boundary about the possibility of annexation. The area includes territory also being considered by Mr. Booher for incorporation.

Mr. Ramey also indicated that he had been in conversation with an individual interested in the incorporation of a new city in north county, Castlepoint. This area lies between Dellwood, Moline Acres and Bellefontaine Neighbors. The question was raised as to the population base in

that area. Mr. Ramey responded that the number could vary greatly depending on how far north you took the new city. Part of this area was included in the proposal submitted last year by the City of Ferguson.

Although the newspaper accounts indicate Des Peres' approval by ordinance submitting a simplified boundary change proposal, nothing has been filed. The ordinances were passed in April.

The announcement by Manchester has stimulated interest. Town and Country is currently working through a planning process to determine if they wish to pursue any further annexations. There has been some interest in the Commission's Rules and procedures by the City of Kirkwood. So far, Valley Park has not expressed any interest publicly. The City of Wildwood will be meeting next week, in response to a petition for a simplified boundary change submitted to them by residents along a portion of St. Paul Road.

Mr. Rehagen asked whether the Mayor of Breckenridge Hills had contacted the Commission regarding a simplified boundary change. Mr. Ramey indicated that he had met with their attorney and had been provided him with materials, but he has heard nothing further from them.

Mr. Frager asked whether there was anything additional other than what was included in the packet regarding changes to the legislation. Mr. Ramey stated that the conference committee was meeting on Wednesday. A check on the legislation through the Internet did not show anything different than what was sent in the packet. Mr. Frager asked if the legislation passed when would be the effective date. Mr. Ramey indicated it would be August 28, unless the legislature approves it as an emergency. There is no indication that will be the case.

Mr. Ramey reported that an appointment was made to replace Jack Wiesehan, filling the remainder of his unexpired term. Her name is Gwendolyn Gerhardt. She lives in the City of Hazelwood. Her appointment is by the Mayors of cities over twenty thousand. She was a long time member of the Hazelwood School Board.

NEW BUSINESS

A. Review of BC9803 - Southeast Annexation - City of Fenton

Mr. Ramey began the discussion by providing a report to the Commission on the sufficiency of the petitions, as well as the issue of whether the signed petitions involving property which lie in both St. Louis and Jefferson Counties were valid. These issues were raised by Commission members at the public hearing. Mr. Ramey distributed a written report regarding these issues. Mr. Ramey reported that based upon his analysis of the petitions, there appeared to be honest confusion over who should be counted as having a fee interest in the residential property. Ramey concluded from his review that, whereas the City's submittal indicated that 78% of the eligible fee interests signed petitions, his analysis suggests the correct percentage should be 81%. As to the issue of what the interpretation of the language of the petition means relative to property crossing the county line, Mr. Ramey concluded that there could be any number of different ways of looking at the situation. However, if you interpret the language in the most unfavorable light to the proposing agent, the end result still finds the number of eligible fee interests signing petitions to be greater than 75%. Mr. Ramey pointed out that the

petitions submitted are based upon a locator number, recorded in a book and page which refers only to property located in St. Louis County. If it crosses into another county, it will have a different locator number and recording. Mr. Ramey reported that when the language was originally drafted it was intended to deal with situations like Jim Booher's where their legal description extended into an incorporated city. Ramey acknowledged that in drafting the language he had not envisioned property crossing into another county and how that would be taken into consideration by this language.

Mr. Youngblood asked who drafts the petition. Mr. Ramey indicated that they do not require the proposing agent to use this form of petition. It is given to them as a guide, but they have the ability to do what they want regarding its form. Mr. Youngblood expressed his concern that the property to which a locator number was attached was not entirely within St. Louis County, but crossed the county line. Mr. Ramey responded that the locator number can only refer to property within St. Louis County. Mr. Youngblood expressed concern that this language should be looked at in the future. Mr. Ramey responded that by raising the concern, the use of entirely is probably more inclusive than in reality is necessary. It should be addressed. Ms. Garino reflected on the beginning of the Commission, when there was concern that the property involved in a boundary change was not in an area already incorporated.

Ms. Garino acknowledged the presence of representatives from the City of Fenton, including Valerie Adams, City Administrator, Jerry Wallach, City Attorney and Don Cary, Finance Director. Mr. Ramey distributed the report to the Commission from the St. Louis County Planning Department regarding their analysis of the Fenton proposal, which was submitted at the time of the meeting. The Commission members took time to review the commentary. Mr. Frager noted there appeared to be missing information in Section 3. Representatives of the County indicated they would provide a revised, corrected copy to the Commission.

Mr. Rehagen asked whether the city estimated the loss of St. Louis County revenue. Ms. Adams and Mr. Cary reviewed certain funds, but they did not include the same projection as the County did in their report.

Mr. Ramey reported the size by acreage of George Winter Park at 150 acres out of 815 acres in the annexation area.

Mr. Youngblood asked whether the City had seen the letter of Ms. Chott. Mr. Ramey indicated they did not, because the normal practice was to wait to the completion of the twenty-one day period. Mr. Ramey reported that the only two items received is the letter of Ms. Chott and the County's report.

Mr. Rehagen asked whether the people soliciting the petitions met with the city prior to going out, so they would have a full understanding of the possible questions which could be raised. Ms. Adams indicated that they did meet with the city staff and were provided with information about the City of Fenton. After receiving the petitions, she indicated, the city sent letters to the petitioners explaining the process and inviting their questions or comments. Mr. Rehagen asked whether the petitioners came back with questions they could not answer. Ms. Adams indicated they had questions from those signing the petition and felt they received the information necessary to make a decision. Mr. Rehagen asked whether the city feels the petitioners did an adequate job. Ms. Adams felt the people had a working knowledge.

Ms. Garino asked whether there has been contact with the city after the public hearing. Ms. Adams

indicated the city has received numerous calls and have either answered the questions or referred them to the Boundary Commission.

Mr. Youngblood expressed concern for the people in the apartments and asked the representatives of the city whether they would object to having this proposal voted upon. Ms. Adams responded that she could not answer that question, because it was a decision for the Commission.

Mr. Frager sought clarification as to how this proposal differed from the earlier presentation by the city. Mr. Ramey pointed out that the earlier presentation encompassed two areas, with a dividing line between the two areas being Hwy. 30. Ms. Garino asked whether the proposal area was in the Lindbergh School District. Ms. Adams responded that it was, but the City contained both the Rockwood and Lindbergh School Districts.

OLD BUSINESS

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

Prior to the Commission commencing its review, Mr. Ramey indicated that the rather thick packet of information sent to the Commission was the information they requested concerning the flood plain management issues.

Mr. Craig Sabo, City Administrator, introduced representatives of the engineering firm, Kuhlman Design, and McEagle Development who were present to answer any questions the Commission may have regarding the flood plain management study.

Mr. Rehagen asked whether it is safe to assume that as to environmental issues such as wetlands, the reports contains nothing which would be considered negative. Mr. Sabo responded there was nothing negative which would prohibit the development. Mr. Rehagen asked how many acres of wetland area would be in the development. Mr. Rowdy Montgomery of McEagle Development indicated that 400 of the 860 acres would be developed. What method of construction, such as berms or dikes, would be used to prevent flooding so that the site could be developed. Mr. Arenberg of Kuhlman Design indicated that the bottom land will be filled, the floodway will not be filled. Mr. Rehagen asked whether it will cause flooding downstream. Mr. Arenberg stated it would not. Mr. Rehagen asked how many feet of fill will have to be used in this construction. Mr. Arenberg indicated that it would take from five to fifteen feet, depending on where you are on the site. Mr. Middelkamp asked whether you would be borrowing fill on the site. Mr. Arenberg indicated they would be doing that and not trucking fill onto the site.

Mr. Frager sought clarification of the comments in the report regarding bridge culverts constricting water flow. Mr. Arenberg discussed the hydraulics of the flow of water from Fox Creek as it passes through an existing railroad culvert, which is not on the developers property. Their consideration of the impact of the bridge is to look at the future and determine what if any impact a change in that structure would have on their development. They concluded that what currently exists is the worse case scenario. A change in the future would have beneficial impact on the area.

Mr. Youngblood questioned how the developer can take 400 acres out of the flood plain, fill the area from 5 feet to 15 feet and yet have minimal impact. There was considerable discussion regarding the filling of the site and the difference between the floodway and the floodway fringe. The floodway is

the middle of the channel, while the floodway fringe is on the sides. It is the floodway fringe which will receive the fill. The impact of that filling is to raise the floodway by one foot. Because there is no filling of the properties upstream or downstream, there will be no impact on those properties. There are sufficient buffers on the site to mitigate against the adverse impact on the adjoining properties.

Mr. Rehagen asked whether Fox Creek will be channelized and secondly, whether there will be retention or detention basins built on the site. Mr. Arenberg stated that Fox Creek will not be channelized. There will be detention basins on the development, so that it will not exceed the current run-off. Mr. Rehagen asked whether the area was in the Metropolitan Sewer District (MSD). Mr. Sabo indicated it was not, but that the city's standards are greater than that of MSD.

Ms. Garino asked what the approximate distance of Fox Creek in the area. Mr. Arenberg indicated it was approximately 1 ¼ to 1 ¾ miles. Ms. Garino also asked what impact the changes to Fox Creek would have in the development area. Mr. Arenberg indicated it would raise the level in the floodway by one foot and increase the velocity of the water somewhat. Ms. Garino asked whether it will have a negative impact outside the development area. Mr. Arenberg stated that it would not.

Ms. Garino asked whether there will be further studies. Mr. Rowdy Montgomery stated there will be other studies, but at the present what has been done has determined that the project is feasible and therefore the appropriate agencies such as the Corps of Engineers could issue permits.

Mr. Rehagen asked when the last serious flood occurred in this area. Mr. Sabo responded it was in 1993.

Mr. Ramey reviewed the time frame for this proposal. A decision needs to be made by the June 23. Which means at the next meeting, May 29, the Commission should be looking at determining what if any more is needed to make a decision. This proposal along with the Fenton and Florissant proposals parallel the same time line. A vote to approve or disapprove should be scheduled for the June 2 meeting.

Mr. Ramey also advised the Commission that we were still waiting for remodeling costs from the landlord's contractor. Therefore, we do not have a firm rental cost. Mr. Rehagen reviewed the changes to the office space. The major change is to remove the wall adjoining the conference room and office, thereby, reducing the number of offices by one, but increasing the size of the conference space. It is hoped that the new rental fee will be available for the Commission by its meeting on May 19.

ADJOURNMENT

Mr. Youngblood made a motion to adjourn. Ms. Haddock 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