

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

**MEETING MINUTES
May 6, 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
LARRY YOUNGBLOOD	P

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 May 6, 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. 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 April 6, 1997. 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

Ms. Wingron introduced the newest appointment to the Commission, Mr. Larry Youngblood, who was appointed by the County Executive.

Mr. Ramey mentioned that he met with the City of Fenton earlier that morning regarding their simplified boundary change proposal. He anticipates the public hearing will be held at the second meeting in June. At that time they have expressed their desire to discuss their larger plans for the future. He also spoke with the mayor of Bella Villa who he arranged to meet on Friday to discuss a possible annexation. The City of Clarkson Valley may bring forth a proposal for a transfer of jurisdiction in the near future.

OLD BUSINESS

A. Approval of Summary and Decision for BC9701 - 207 Kiefer Creek Road - City of Ellisville

Mr. Ramey explained that the document submitted for approval, Summary and Decision, indicated that the boundary change proposal was accepted as a simplified annexation and no vote is required in this instance. The attorney, Steve Martin, discussed the effective date with the attorney for the City of Ellisville and they decided to use Friday May 9, 1997.

Mr. Wojtkowski made a motion to approve the Summary and Decision for BC9701. Mr. Rehagen seconded the motion. Roll call vote: Ayes: Bruer, Frager, Garino, Haddock, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wingron, Wojtkowski, Youngblood Nays: None *The motion passed.*

B. Discussion and Decision re: BC9616 - Northeast Area - City of Ferguson

Mr. Rehagen asked if the Commission ever received an ordinance from the City of Ferguson indicating their acceptance of the TGA fund in the annexation area. Mr. Ramey responded they only received the City's acceptance in writing. No ordinance was either requested or required.

Mr. Rehagen asked if the three errors in the legal description identified by the County were amended. Mr. Ramey responded they were corrected.

Mr. Youngblood asked what were the intentions of the City for the Little Creek Wildlife Area. Mr. Ramey stated the City indicated that there would be no change in the use, the area would only be incorporated within the City's boundaries.

Ms. Garino stated she has several problems with this proposal. The major issue remains the selected boundaries of the annexation area. She identified the problems with access that are involved, in particular regarding provision of services to the western portion of the area adjacent to Florissant. The City proved unable to negotiate arrangements with the City of Florissant, and it remains uncertain how they will service this area which currently can only be accessed from

Florissant. Although there are numerous irregularities in the boundaries of municipalities within St. Louis County, the boundaries that were selected seem arbitrary and no full explanation was ever offered. She also expressed concern with the boundary at the northeast corner of Dunn Road and Old Halls Ferry Road, north of Interstate 270. The proposal splits a commercial lot, incorporating the store but not the attached, though seemingly abandoned, parking lot. In case of a redevelopment, this could create problems for a developer attempting to utilize the entire parcel. In addition, she thought the creek, the chosen boundary in the southeastern portion, split the subdivision, but in reality there are several streets that cross over this creek and connect the neighborhood. The housing stock is similar and the area excluded can be accessed by at least two or three connections.

Ms. Garino also questioned the long term financial impact on current City residents of the City assuming the tax liability for the fire protection districts. This may adversely affect the current residents who will pay more than those in the annexation area. She expressed her belief that the City could develop a better proposal with more careful review.

Mr. Wojtkowski stated his central problem with the proposal is the financial impact on unincorporated St. Louis County. The surplus revenues of \$854,000 to the City of Ferguson are excessive in comparison to other proposals the Commission has considered. The revenues are not proportionate to the expenditures for the area, and the consequence is a loss of tax base to St. Louis County of a quarter of a million dollars. This loss impacts the ability of the County to service the remaining unincorporated residents. The Commission is responsible for assessing the impact on all three areas, and this proposal clearly generates serious economic impact for the area. The significant financial benefit to the City is at the expense of other residents.

Ms. Haddock asked what happens in the future if the City proves unable to pay the three fire protection districts. Mr. Ramey stated the statute holds the fire districts harmless by requiring the City to pay for the property of that area out of their general operating revenue stream, regardless of the tax requirements by the districts in the future. Ms. Haddock asked if including three different fire protections districts in one area is excessive. Mr. Ramey replied that the district boundaries are established and will not change. The residents of the area benefit through being relieved of this tax burden because it becomes a general fund obligation of the City.

Mr. Bruer agreed the boundaries are irregular, and that no solid explanations were offered. But members from the City Fire Department attended the public hearing and did not object, and the City assured the Commission they were fully aware of the burden and could handle it. The City of Ferguson has good government and could benefit from the additional revenues. He stated that he feels this proposal allows the people in the area the opportunity of choice. If the residents are against the proposal, they can turn it down, but if they are in favor, eleven people are preventing four thousand from the chance to vote.

Ms. Garino asked what is the purpose of the Commission if not to determine whether a proposal is fit to go before the voters? Mr. Bruer responded that in his opinion, this proposal falls in the middle ground with both pros and cons, and warrants an election.

Mr. Wojtkowski expressed his objection to the opinion that this proposal is acceptable because Ferguson can benefit from the money. The Commission's charge is orderly incorporation in the County which requires proposals maintain a reasonable economic balance. They should not render a favorable decision on a proposal that produces impacts that are not balanced, especially since the people affected in the remaining territory do not get a voice.

Mr. Bruer responded that the City appears to be a responsible money manager and there is no evidence to suggest that this proposal will affect the delivery of services to other residents in unincorporated St. Louis County.

Mr. Bruer made a motion to approve the proposal for annexation BC9616. Mr. Frager seconded the motion.

Mr. Saulsberry stated that accepting the proposal because it allows the affected people to vote is based on a narrow perspective that fails to account for the overall impact on the County. The ability of the residents to vote their preference is only one aspect involved. The boundaries are extremely irregular, and as for the financial impact, if the Commission permits several similar

annexations, the revenue loss would dilute the County's budget for services.

Mr. Frager mentioned there are two different time frames to consider in reviewing of the financial impact. Presently, only the immediate loss of revenue in unincorporated County is being addressed. In considering long range planning, the benefits to the entire County of shoring up this area of North County will compensate for any short-term loss. He maintains that this is a different concept from giving extra revenues to a financially sound community. This proposal allows an area threatened by blight immediately outside its borders to gain the extra revenue needed to prevent such decay from spreading. This is an opportunity to help this community to improve their city and the local area. The financial implications of long term decay for the County are immeasurable.

Ms. Garino agreed with his assessment, but concluded that this is still not an adequate proposal for annexation. There are too many flaws in the current boundaries, but the City is not penalized from returning with a better proposal; they are not shut out of the process. Mr. Bruer asked how the Commission could articulate what is acceptable if this proposal is not and each member identifies a different problem in their explanation.

Mr. Wojtkowski made a motion to move the previous question. Mr. Bruer seconded the motion. Roll call vote: Ayes: Bruer, Frager, Middelkamp, Rehagen, Wingron, Wojtkowski Nays: Garino, Haddock, Saulsberry, Youngblood. *The motion failed.*

Mr. Saulsberry mentioned the Commission's discussion on the proposal from the City of Berkeley, which he voted in favor of because he felt the community faced immediate financial difficulties that necessitated the revenue gain. This community is mixed, with areas of affluence and impoverishment as well as areas in between those extremes. Because of the politics that are always involved, there is no guarantee that the excess funds will go to improving the impoverished areas of the City or to fixing the problems in that region of the County.

Mr. Frager stated when the City was asked how they would use the excess funds, they indicated their plans were to use them for capital improvement in the City and the annexation area. He agreed there are never guarantees, but the history of the City demonstrates their willingness to make integration work, and he does not want to assume the opposite.

Ms. Garino responded to Mr. Bruer's previous question, offering the document they issue with their decision provides an opportunity to outline what changes the City could make to improve their proposal. Mr. Frager stated that the practical consideration is the time, cost, and effort required of a City to submit a proposal will prevent them from rapidly resubmitting.

Ms. Wingron called for the vote as there was no further discussion. Roll call vote: Ayes: Bruer, Frager Nays: Garino, Haddock, Middelkamp, Rehagen, Saulsberry, Wingron, Wojtkowski, Youngblood. *The motion failed.*

ADJOURNMENT

Ms. Haddock made a motion to adjourn. Mr. Rehagen 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 June 3, 1997