

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

**MEETING MINUTES  
July 15, 1997**

**ROLL CALL**

<b>COMMISSIONER</b>	<b>PRESENT (P)/ ABSENT(A)</b>
<b>ED BRUER</b>	<b>P</b>
<b>JULIUS FRAGER</b>	<b>A</b>
<b>AGNES GARINO</b>	<b>P</b>
<b>DENISE HADDOCK</b>	<b>P</b>
<b>SCOTT MIDDELKAMP</b>	<b>P</b>
<b>JACK REHAGEN</b>	<b>A</b>
<b>CHARLES SAULSBERRY</b>	<b>P</b>
<b>JACK WIESEHAN</b>	<b>P</b>
<b>ANNA MARIE WINGRON</b>	<b>P</b>
<b>DON WOJTKOWSKI</b>	<b>A</b>
<b>LARRY YOUNGBLOOD</b>	<b>P</b>

**OTHERS PRESENT:**

Carl Ramey - Executive Director

Steve Martin - Attorney

Libby Rohlfig - Administrative Assistant

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**CALL TO ORDER**

The meeting was called to order by Chairperson Wingron at 6:00 p.m. on July 15, 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. Middelkamp to accept the agenda as submitted. The motion was seconded by Mr. Wiesehan. Voice Vote: Ayes - All Nays - None *The motion passed.*

## **APPROVAL OF MINUTES**

A motion was made by Mr. Middelkamp to approve the minutes for the Commission meeting of July 1, 1997. The motion was seconded by Ms. Haddock. Ms. Garino noted several errors in the minutes. On page two, the names of the Commission members who motioned to approve the minutes were excluded from the draft, as well as those who motioned to adjourn on page five. She also asked for clarification of the meaning of the last sentence on page two in the announcements and communications. Mr. Ramey agreed to make these changes. Voice vote: Ayes - All Nays - None. *The motion passed.*

## **TREASURER'S REPORT**

Mr. Bruer indicated that a Committee needed to be formed to discuss the budget for the 1998 fiscal year. Generally this requires only two or three meetings, and he requested at least two volunteers from the Commission. Mr. Ramey added that he received the packet of materials from the County, and the deadline is August 21<sup>st</sup>. Mr. Middelkamp and Mr. Youngblood volunteered to serve on the Committee.

Mr. Youngblood requested that a detailed billing for attorney services be submitted with the quarterly report in the future. Mr. Ramey agreed to submit those records.

Ms. Garino asked what is the purpose of the line item for insurance. Mr. Ramey stated that this item was included at the beginning, although they determined later that there is no need for insurance. Mr. Middelkamp explained the original thought process was that the Commission would need liability or property insurance for the building, but later discovered they are covered under a blanket policy of the County. Mr. Bruer remarked that other changes may be made in the budget now that they have two years of history to guide them in this process.

Mr. Youngblood made a motion to approve the quarterly treasurer's report as submitted. Mr. Middelkamp seconded the motion. Voice Vote: Ayes - all nays - none *The motion passed.*

## **PUBLIC COMMENT**

There was no public comment.

## **ANNOUNCEMENTS/COMMUNICATIONS**

Mr. Ramey announced that after a polling of the Commission, the meeting on August 5 would be cancelled due to the lack of a quorum. The next regularly scheduled meeting will be August 19. The Rules Committee is still in the review process, though their activities have slowed down during the summer months due to scheduling conflicts. The legislative committee will tentatively begin meeting in August.

Mr. Ramey anticipated that the next proposal to come in will be the transfer of jurisdiction between the Cities of Wildwood and Ellisville. This should come forward in August, at which time he will set the public hearing in motion.

## NEW BUSINESS

### A. *Pre-Submittal Conference re: Florissant Annexation of Old Fleurissant Golf Club*

Mr. Ramey explained this was the first time a proposing agent took advantage of this particular section in the rules relating to the pre-submittal conference. It provides the proposing agent an opportunity to explain in advance the issues involved in their particular proposal. In this case, the City of Florissant has a rather unusual situation to address. He clarified that this in no way implies an approval, although the Commission can share their reactions and perhaps guide the proposing agent in determining which direction to approach their proposal.

Mr. John Hessel, City attorney for the City of Florissant, indicated the property in question is the former Paddock Golf Course which was recently acquired by the City. The majority of the golf course is located in St. Louis County, except for the driveway entrance, the parking lot, and a portion of the club house on the eastern side that is in the City of Black Jack. He distributed maps to the Commission to help provide orientation of the property, and pointed out the northern boundary of the property is Coldwater Creek. He explained the central issue is that the City owns the property and wants to bring it inside the City boundaries. There is a very practical reason for this objective as St. Louis County is technically responsible for enforcement of property that belongs to the City. Currently, if there is a problem or dispute, St. Louis County has jurisdiction.

Mr. Wiesehan asked if the City foresees any problems with the County or Black Jack. Mr. Hessel responded that he has spoken with both and does not anticipate any problems.

Mr. Youngblood asked if this annexation would create an unincorporated pocket. Mr. Hessel stated that the surrounding area to the north and south is continuous unincorporated County. He expressed the City's main motivation is to avoid the complicated policing problems that could result now that they own the course, and their belief that the property belongs in the City.

Ms. Haddock asked if they plan to annex just the golf course. Mr. Hessel replied yes, because there is no access to the homes within the golf course for providing service. They would either have to go through St. Louis County or annex a much larger geographic area. Mr. Ramey agreed the City would have to annex possibly as far south as Parker Road to avoid splitting subdivisions and achieve access from New Halls Ferry. This would represent a significant area.

Ms. Garino asked if the subdivision within the golf course is separate from the subdivision to the south. Mr. Wiesehan answered it is the same, Paddock Estates. Ms. Garino asked if the golf course could be accessed from the south. Mr. Hessel stated that the only access is from the north from Old Halls Ferry, through the City of Black Jack.

Ms. Wingron asked why the annexation area would not follow all of Old Halls Ferry Road, and specifically, what are the three triangular parcels that are not included? Mr. Hessel responded that the properties north of the access road are vacant, they are not part of the golf course, and therefore were not acquired by the City. Mr. Wiesehan replied that one property is an old cemetery, and another is a MSD pump station. Mr. Hessel stated that the City would work to square the boundaries for greater consistency when they negotiate the transfer of jurisdiction with the City of Black Jack.

Ms. Garino asked from whom the City acquired the property. Mr. Hessel responded that they purchased the golf course from a private individual. Ms. Garino asked when they acquired the

course. Mr. Hessel answered that the City closed on the purchase in February of 1997. Since that time they have been analysing ways to improve the course and begin operations. They bought the course, which was deteriorating due to a lack of maintenance, in order to protect what they consider a valuable asset for all of North County.

Ms. Garino asked if the only contiguous boundary to the City is on the west, and whether they planned to annex the unincorporated portion first. Mr. Hessel responded yes to both questions. Mr. Middelkamp asked if the boundaries meet the 15% contiguity requirement. Mr. Hessel responded that they checked the percentage of the entire area in unincorporated County including the boundary that follows the back property lines of the homes in the subdivision, and 15% of the boundary is contiguous. The boundary for the transfer of jurisdiction with Black Jack will also meet the 15% requirement.

Mr. Hessel added that they hope to resolve this issue with the simplified procedure. Mr. Ramey stated the area is zoned non-urban which conforms to the condition that only residential property be annexed in a simplified boundary change. As a result, they can annex the property without a vote and the cost to the taxpayers. Mr. Hessel stated the interested party is essentially the City as both the owner and applicant.

Ms. Garino asked if the golf course is considered public for City residents. Mr. Hessel stated that it is open to all members of the public, though there are different rates for City residents.

Mr. Youngblood asked if this annexation would require a public hearing. Mr. Ramey stated that it will. Mr. Bruer asked if the transfer of jurisdiction would also require a public hearing. Mr. Ramey stated it also will, but they may be able to arrange the process in such a way that both are held on the same night.

Ms. Wingron requested that they attempt to smooth the boundary and follow Halls Ferry Road. Mr. Youngblood stated that the owners of the three lots could object to being annexed. Mr. Bruer asked if those owners have been approached yet. Mr. Hessel answered that the City chose to wait until they had discussed the issue with the Commission, but now he will approach those owners.

Ms. Wingron asked if they chose not to include the residents within the course because of their lack of success in past attempts to annex. Mr. Hessel stated they had not planned on annexing those residents because their motivation was to include only the golf course in the City limits to avoid jurisdictional problems in the future. The purchase of the course proved controversial, but they hoped to protect the property from further decline. Ms. Garino asked if they considered joint ownership with Black Jack of the golf course. Mr. Hessel stated the City approached Black Jack, but they were not interested.

Mr. Hessel asked the Commission if anyone identified substantial flaws with their proposed plans. No one raised any objections, and Mr. Hessel thanked the Commission for their time and stated they would proceed with the completion of a proposal.

## **OLD BUSINESS**

### ***A. Discussion re: BC9702 - First Baptist Church Annexation Area - City of Fenton***

Ms. Wingron made an announcement that the following was intended to be an internal discussion of the Commission providing members an opportunity to ask questions of the City. She also

reminded the Commission members that now is the time to request any information required before they make a decision.

Ms. Garino asked for clarification of the handout distributed by the City regarding the financial impact of the proposal, is any of the information different from what they heard earlier? Mr. Ramey stated the City prepared this at his request as a response to questions raised at the previous meeting regarding the financial impact to the City and other jurisdictions in terms of any possible development that may occur on this property. This corresponded with the City's desire to present a longer range perspective of what they intended to do in this area. He indicated the column that demonstrates the financial impact if the City of Fenton decides to initiate a TIF, and reminded Commissioners that this will not necessarily be implemented even if the annexation is approved. If it is used, fifty percent of the taxes generated would be placed in the fund to pay off the financing.

Ms. Adams noted an error on one of the handouts that placed the figure of \$184,433 in the row for County road and bridge tax though it represents the figure for group B sales tax. Mr. Ramey added that a little more than 50% of the sales tax goes directly to St. Louis County, with the remainder being distributed to pool cities (B Cities) throughout St. Louis County on a per capita basis.

Mr. Youngblood asked the mayor whether they are talking to the people adjacent to the area along Country Home Drive, and whether that situation has been rectified. Mayor Ruzicka responded that to his knowledge, the situation has not been resolved. He indicated that they met with the people in the area before they submitted the proposal and received an affirmative response that they wanted the Dierbergs to be built. There was no mention of the road at that time. It was not until the public hearing that speakers expressed concern over increased traffic generated by the extension of that road. He stated that the City is still operating under the premise that the road extension would be in the best interest of the area. Contrary to the impression created at the last meeting, there was no re-polling, and there has been virtually no further objections made. Mr. Youngblood also thanked the mayor for providing the engineering report as it relieved several concerns he had about flooding.

Ms. Wingron stated that she noticed in driving the area a portion of Country Home Drive near the annexation area had signs posted stating that it was state maintained. At her request, Mr. Ramey met with State highway representatives to discuss the plans for the road and flooding pertaining to the realignment of highway 141, a project currently in progress. Mr. Ramey reported that the road is a County collector street extending now from Summit Road at the south to the northern edge of the subdivisions, and from there to the dead end at the properties in the annexation area, the road is state maintained. A majority of the State maintained section runs along the ten acres of vacant land zoned C-8 that serves as a buffer between the subdivisions and the annexation area. The state plans to close the crossover access on to Interstate 30 in order to build a double acceleration lane connecting 141 to 30. The lane will run right through and there is no way, for safety reasons, that they can keep that exit open. The state owns the right-of-way and has not yet received any overtures from the County to acquire jurisdiction. The County portion is built to collector street standards, but the state portion is just an asphalt, chip and seal road similar to a rural cross-section road. This creates a distinct gap between a well-designed and constructed County section and the existing state portion.

Mr. Bruer asked if the land is owned by the State. Mr. Ramey responded that it is owned by the State. The State control stops at the County portion of the road, although it is a fairly easy process to deed right-of-way. Who will maintain and design the outer road remains an issue, but

it is more a question of transportation and what constitutes good planning.

Mr. Youngblood commented that the County report stated that the road may require a cul-de-sac. Mr. Ramey agreed, but said the developer's plans for the road came in direct response to the original County plans, and the highway already called for the outer road to serve as connection in the improvements of highway 141. The road would actually improve the flow of neighborhood traffic, as well as provide access to other drivers, providing a regional benefit. Either way, this is a question the highway department will study at great length before making a decision, though their conclusion will be affected by what happens on this property.

Mr. Youngblood asked the City, regarding the TGA, if they intended to enact an ordinance, and if that would pose any problems with acceptance from their board of alderman. Mayor Ruzicka stated that would not be a problem.

Ms. Wingron stated this represents a prime area for the use of TGA funds, and any agreement made should ensure that the funds collected are utilized in this area. She did not receive that assurance from the County issued report.

Mr. Bruer agreed that the funds appropriated should go to that area up to the amount needed, and any excess should then go into the general fund. Ms. Wingron stressed the need for a commitment not only from the City, but from the County.

Ms. Adams stated that before submitting their proposal, she met with both Don Spencer and Dennis Bice of the County Highway department, who agreed at that time to such a commitment. Mr. Bruer said such agreement should be ascertained in writing. If they ask cities for written commitment, then they should also request such assurance from the County. Mr. Bruer also asked to see projections of the money that would be collected as TGA funds, and how they would be used in conjunction with the development to offset the improvements discussed.

Mr. Youngblood agreed the impact of those funds on the area is an important issue. The TGA needs to be a two way street if it is to serve its purpose. These funds are crucial to the impact of traffic on the area. Mr. Middelkamp agreed there should not only be a guarantee that the funds are collected, but that they are spent to improve this area. Ms. Wingron directed Mr. Ramey to handle the coordination of such information and commitment. Mr. Ramey agreed to meet with representatives of the County and City to make known the concerns of the Commission regarding TGA funding.

Ms. Garino asked the City if they have experience setting aside development funds in the past. Mayor Ruzicka replied that his understanding at the time they spoke with the County was that the City would collect the funds to apply to this area, and the remaining money would return to the trust. But now he is hearing something different, similar to the cul-de-sac the County suggested be built on the outer road when previously they expressed their desire that a collector street connect the area to highway 141. Ms. Adams agreed that the City had planned to collect the funds to use for direct impact, and had already drafted an ordinance and worked with financial advisors to achieve accuracy in application. But as to previous TGA experience, the City has not imposed impact fees in the past.

Mr. Wallach, the attorney for the City, stated the city would fine tune the ordinance to state the funds necessary will be spent in this area, with the remaining margin returning to the trust fund. The City does not covet the money, and will make sure the ordinance reflects the Commission's request.

Mr. Saulsberry asked the City if they had thought further about their additional plans for annexation. Mr. Wallach stated the City wants to follow a carefully planned program of annexation. He indicated this proposal reflects the immediacy of the circumstances in this area. Coordinating the possible development of this site with the on-going Highway 141 construction is important. Once highway construction is completed and the service road built, it would be very expensive to tear it out and rebuild to construct the connector road, which the County originally said they wanted. Moreover, the simplified annexation was consistent with their long range plans and constitutes sound planning for the area. They next plan to target the area with home owners who have expressed their interest in annexing, but this opportunity presented itself now.

Mr. Bruer asked what their time table for annexation is, for example after the development is completed, what is next? Mr. Wallach responded there are two areas to the west which are interested in coming into Fenton, but they will probably focus on the area south to Jefferson County. Of greatest importance to the City is to have a cohesive, balanced design with the appropriate mix of land use. Mr. Middelkamp mentioned this issue was discussed in detail at the last meeting when the City stated they had hired HBA and AG Edwards to do the financial runs and preliminary studies of what these annexations would cost and how they would benefit the area. Mr. Wallach stated they want to coordinate a plan for development that would revamp the old area of Fenton as they bring new area in to the City.

Ms. Garino asked if the City has comments on the County report. Ms. Adams stated they do not agree with everything said, but had not responded in writing. Ms. Garino asked if they planned to issue a response in writing. Ms. Adams stated they would do so if the Commission requested. Ms. Wingron asked that they prepare a written response.

Ms. Wingron stated this issue would be on the agenda for the next meeting on August 19, and if by then they receive the additional information requested, the vote will be taken at the meeting on September 2.

## **ADJOURNMENT**

Mr. Youngblood made a motion to adjourn. Mr. Middelkamp 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 August 19, 1997