

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

**MEETING MINUTES  
September 16, 1997**

**ROLL CALL**

<b>COMMISSIONER</b>	<b>PRESENT (P)/ ABSENT(A)</b>
<b>ED BRUER</b>	<b>A</b>
<b>JULIUS FRAGER</b>	<b>P</b>
<b>AGNES GARINO</b>	<b>P</b>
<b>DENISE HADDOCK</b>	<b>P</b>
<b>SCOTT MIDDELKAMP</b>	<b>A</b>
<b>JACK REHAGEN</b>	<b>P</b>
<b>CHARLES SAULSBERRY</b>	<b>A</b>
<b>JACK WIESEHAN</b>	<b>A</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 Rohlffing - Administrative Assistant

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**CALL TO ORDER**

The meeting was called to order by Chairperson Wingron at 4:00 p.m. on September 16, 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. Youngblood to accept the agenda as submitted. The motion was seconded by Ms. Haddock. Voice Vote: Ayes - All Nays - None *The motion passed.*

## APPROVAL OF MINUTES

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting of September 2, 1997. The motion was seconded by Mr. Frager. Voice vote: Ayes - All Nays - None. *The motion passed.*

## PUBLIC COMMENT

There was no public comment.

## ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey announced that the office has nearly depleted their supply of stationery. He discussed the need for a new logo, and explained the problems with the current design. He asked if anyone had any suggestions or ideas for a new logo. Ms. Garino indicated her interest in designing a new logo, and it was agreed that she would present the Commission three or four samples to choose from.

Mr. Ramey stated that he had been requested by the Mayor of Clayton to help teach a course at St. Louis University Law School on annexations and incorporations.

Mr. Ramey directed the Commission's attention to the copy of the letter he wrote in response to correspondence from Jim Booher, Chairperson of the Committee to incorporate Sappington Concord. He explained that in a discussion with Mr. Frager, the issue was raised that certain statements in the letter may be construed as going beyond the procedures outlined in their Rules.

Mr. Frager questioned whether the staff was placing pre-conditions on meetings with this applicant by requiring that the entire incorporation Committee be present. He suggested the Commission should not precondition meetings with the staff for any reason.

Mr. Youngblood stated that he found the request appropriate under the circumstances. The letter implied that the Committee found Mr. Ramey's conduct obstructionist, and to avoid further accusations, other representatives of their committee should be present to verify what specifically is discussed at their meetings. Mr. Frager replied that this request imposes an added requirement not stated in the Rules. It is not a condition placed on meetings with other proposing agents.

Mr. Rehagen recommended that Mr. Ramey offer no more latitude than would be given any other proposing agent. He should provide any information required, and meet only as often as he would meet with other petitioners. Mr. Youngblood agreed, but stated the circumstances are slightly different because of the accusations that stated Mr. Ramey had not been helpful. He stated to the contrary, Mr. Ramey has always proved extremely cooperative and informational, and he finds the comments to be unfounded. Mr. Rehagen agreed, but stated the petitioners have threatened to sue in the past, and they need to avoid litigation.

Ms. Wingron expressed her discomfort with the prospect of Mr. Ramey meeting alone with the petitioner due to these threats of litigation over the past two years. Mr. Frager suggested they ask ahead of time to tape the meeting if that would eliminate those concerns. Mr. Youngblood responded that such a request would also be a condition not required of other applicants.

Ms. Wingron stated she could appreciate the concerns expressed, but she reviewed the letter before it went out and felt it to be appropriate. She approved of the measures and claimed

responsibility for the decision. Mr. Frager replied that as a Commissioner he simply felt uncomfortable requiring something above what is included in the Rules.

Ms. Garino indicated there may be no right way to handle the situation. If they pursue the possibility of recording the meetings, to ensure there is no misunderstanding, then the service must be offered to every applicant. Mr. Rehagen asked if someone else from the Commission should be present instead.

Mr. Frager explained that his main objective is to prevent prohibiting any proposing agent from receiving the support they are entitled to under the Boundary Commission Rules. Whatever steps are necessary to insure they are in compliance with the Rules should be taken to avoid litigation.

Mr. Ramey suggested that he could arrange for Mr. Martin to meet with the petitioner as well. Mr. Martin agreed to meet if that would preserve the integrity of the Rules while protecting the Commission from further allegations. He agreed they do not want to create the perception that a proposing agent has been obstructed, but he thinks no additional support should be extended beyond the usual level of assistance.

Ms. Wingron asked Mr. Frager if that would satisfy his objections. Mr. Frager responded that including the attorney is not standard procedure either. Mr. Rehagen asked if another Commission member should be present. Mr. Ramey agreed to find a solution that would address all the issues discussed.

Ms. Garino asked if the office had e-mail capacity. Mr. Ramey replied that they do not because they would need to install an additional phone line.

## **OLD BUSINESS**

### ***A. Approval of Summary and Finding for BC9702 - First Baptist Church Annexation Area - City of Fenton***

Mr. Youngblood made a motion to approve the Summary and Finding for BC9702. Mr. Rehagen seconded the motion.

Ms. Garino asked if they had agreed at the previous meeting to Mr. Wojtkowski's request that they specify in their finding that the City's plans to annex additional territory in the future influenced their decision. Mr. Ramey stated that he regarded that comment as an individual position which did not reflect the opinion of the group. The finding reflects the determination of those voting in favor of the proposal.

Mr. Frager stated that he heard that position expressed during the discussion as a factor in approving the proposal. Mr. Rehagen replied that he indicated at the meeting that the comment did not reflect his reasoning. Mr. Martin agreed that the position could not be attributed to all those voting in favor of the proposal. Mr. Frager asked Mr. Rehagen if the City had not planned to annex other territory in the future, would he have voted to approve the proposal. Mr. Rehagen stated absolutely yes.

Mr. Ramey explained that when they first started drafting the decisions, they distinguished between the reasons offered for approvals and disapprovals. They decided to use the three points listed in the statutes as the support in approvals rather than detail individual reasons because

there are too many different opinions involved. As a result, they chose to limit the decision to a summary of the three-prong test of best interest.

Mr. Ramey stated that the effective date for the annexation is September 17, 1997. The main issue was police protection, and because the City contracts with the County, there appeared to be no problem transferring jurisdiction in that short a time period.

Roll call vote: Ayes - Frager, Garino, Haddock, Rehagen, Wingron, Youngblood. Nays - None.  
*The motion passed.*

#### **ADJOURNMENT**

Mr. Rehagen 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 October 7, 1997