

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

**MEETING MINUTES
September 17, 1996**

ROLL CALL

COMMISSIONER	PRESENT (P)/ ABSENT(A)
ED BRUER	P
AL ECKERT	P
JULIUS FRAGER	P
AGNES GARINO	P
SCOTT MIDDELKAMP	P
JACK REHAGEN	P
KENNETH TRETTER	A
JACK WIESEHAN	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	A

OTHERS PRESENT:

Carl Ramey - Administrator

Steve Martin - Attorney

Libby Rohlfig - Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairperson Wingron at 6:05 PM on September 17, 1996. The meeting was held at the Hanna Woods Elementary School, City of Manchester, Manchester, MO.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll as reflected above, and a quorum was declared.

APPROVAL OF AGENDA

A motion was made by Commissioner Rehagen to accept the agenda as submitted. The motion was seconded by Commissioner Middelkamp. Commissioner Frager requested an item from the September 3 agenda be added to the agenda: "Robert's Rules of Order." It was agreed and added as item C. Voice Vote: Ayes - All Nays - None *The motion passed.*

APPROVAL OF MINUTES

A motion was made by Commissioner Garino to approve the minutes for the Commission meeting of September 3, 1996. The motion was seconded by Commissioner Middelkamp. Commissioner Middelkamp noted Carl Ramey should replace Commissioner Rehagen in the section "Roll is called-Quorum declared." It was the consensus of the Commission to make the change. Voice Vote: Ayes - All Nays - None *The motion passed.*

A motion was made by Commissioner Garino to approve the minutes for the Public Hearing of September 3, 1996. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes - All Nays - None *The motion passed.*

TREASURER'S REPORT

Commissioner Frager raised concerns about the differences in the figures that carry over each month. Carl Ramey explained the differences occur because the expenditures are on a cash basis, and depend on when the County makes the payments.

Commissioner Garino questioned the costs of the audio equipment rental, specifically whether those costs will remain consistent. Mr. Ramey replied that the charge is based on an hourly rate for set-up and delivery, so will vary slightly according to the location of the public hearing. Commissioner Bruer asked if inquiries had been made to determine if the public hearing locations provide audio equipment. Mr. Ramey clarified that their sound equipment is not necessarily conducive to recording the hearing. Commissioner Middelkamp noted the main issue is the need for good tapes.

Commissioner Garino questioned the effect of redevelopment plans in the area on the long-term location of the Commission office. Mr. Ramey responded that he has been advised by other tenants of the building that it is not a problem.

Commissioner Eckert requested a minor correction to the public hearing minutes. On page five (5) where the speaker is identified as Commissioner Bruer, it should read Commissioner Eckert. Mr. Ramey agreed to correct this error.

PUBLIC COMMENT

Dan King, 8608 Vasel Avenue, St. Louis, MO, 63123-3408, representing Affton Action

asked for a copy of the County Response on Crestwood when it is submitted to the Commission. Carl Ramey indicated the deadline for the public comments is the following week, September 24. The office would provide him a copy when it became available.

Jim Booher, 10516 Wisteria, St. Louis, MO 63126, representing Sappington Concord, explained that the pamphlet he passed around at the Crestwood public hearing was assembled from his door-to-door conversations with residents of the Annexation area. He generated a list of 62 questions to facilitate people making comments at the hearing. The pamphlet was not meant to be a review, as it was prepared for the homeowners, many of who attended the hearing to listen to him speak. He then handed out a completed edition.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey reported he met with the City of Ferguson. They agreed to look at the redrafting of their proposal. He believed a proposal would be forthcoming within the next few weeks.

Mr. Ramey also noted a group of homeowners have petitioned the City of Ballwin for a simplified boundary change. Ballwin has begun a process of fiscal analysis and will consider it at a future time.

Mr. Ramey reported that Christy Love, a property owner in both the Charbonier and Area West proposal area, contacted him to reiterate her opposition to being annexed by Hazelwood, stating her preference to be annexed by Florissant. She expressed concern that the City of Hazelwood may not be as sensitive to historic sites and areas as Florissant. She reported that Hazelwood's Plan Commission had just approved a new residential subdivision on the vacant land immediately south of the Crest Aire area on the historic St. Stanislaus site. She felt this action breached prior assurances that this site and others, such as her property, would be preserved.

Commissioner Middelkamp asked if Ferguson passed an ordinance for their proposal already. Mr. Ramey responded that they have. He also wanted to know if Ballwin has undertaken pre-proposal steps for this simplified change. Commissioner Wingron asked if the Ballwin area is an unincorporated pocket. Commissioner Bruer responded no, but it is a small area.

Commissioner Rehagen asked if the County had commented on the Commission's budget request. Mr. Ramey responded no, but that he had not expected to hear yet.

Commissioner Garino explained the County changed their fiscal year, so it begins in January instead of November. Mr. Ramey indicated he submitted the documentation, and at this time is awaiting contact from the County for a review.

Commissioner Wingron advised the Commission she has not heard yet from the County Executive, Buzz Westfall, concerning a replacement for Willy Weary.

Commissioner Eckert inquired whether there is a mailing list for meeting notices. Mr. Ramey said there is none. The only exception is a list of news media that receive notice of all meetings. He stated there simply had not been the interest, but the office is willing to accommodate interested parties.

OLD BUSINESS:

A. *Discussion re: Form of Petition for Incorporations.*

Mr. Ramey indicated the Commission received a written communication that day from Jim Booher and Dan King on the form of petition. Mr. Booher reaffirmed his opinion that the form of petition used in the Sappington-Concord incorporation effort of 1994 is the most appropriate. Mr. Ramey reviewed the steps the staff and Commission had taken attempting to address concerns raised by Mr. Booher. Mr. Martin stated a petitioner could develop their own petition. Mr. Martin indicated it is a proposing agent's prerogative to develop their own form of petition. The inherent risk for all is changing legislation and court decisions which could invalidate all or part of the petition. Because of this, Mr. Martin stated he could not give an absolute assurance or guarantee that the form of petition will always be valid.

Commissioner Rehagen asked if the only differences between Mr. Booher's petition and the staff's draft are the underlined portions. Mr. Ramey explained there are some substantial differences. Mr. Booher's petition includes information that the Boundary Commission statute and Rules do not require. While annexations outside St. Louis County require these details, they relate to a different statutory provision than the Boundary Commission operates under.

Commissioner Frager raised two issues, first, whether there are any objections to the additional parts of the petition if the petition meets the Commission's standards. If there is only a minimum requirement, why is the other information a problem? Mr. Martin explained, as legal counsel, he can only accept what meets the standards, and decline to comment on what is not relevant; anything beyond they use at their own risk. Mr. Frager then raised concerns that there is a difference between the information being irrelevant and being able to nullify the whole process. Commissioner Eckert agreed with Mr. Frager. Mr. Eckert felt if the petition is acceptable and meets the statutory requirements, it should withstand any judicial finding that may occur later. Mr. Martin reiterated his reluctance to allow the Commission to make guarantees on additional and unnecessary segments which may generate future and yet unknown problems.

Commissioner Bruer recommended that this item be placed on the agenda for the next meeting. Commissioner Frager raised concerns about postponing a decision on this issue. It was suggested the Commission needed time to review the written material of Mr. Booher and Mr. King. It was the consensus of the Commission to defer further discussion of this matter until the meeting of September 24.

B. Discussion re: Process for Acting Upon Approval/Disapproval of Proposals

Commissioner Rehagen stated he feels the most significant issue was deciding which proposal to start with: should they tackle a simpler proposal such as Sunset hills first to test the process, and then move on to the more complicated areas in North County? Commissioner Garino proposed they should first address the format Mr. Ramey presented them, and reach agreement on the process. Mr. Ramey explained that format was meant as a starting point and may be amended or shaped to fit their needs.

Commissioner Wingron recommended placing this item with the form of petition on the agenda for the work session of September 24. Commissioner Rehagen felt that the decision-making process should receive priority over the petition issue. Mr. Frager requested that the Commissioners arrive at the meeting prepared to discuss the principles they find most important to facilitate agreement on basic values.

It was the consensus of the Commission that this item would be held over to the next meeting of the Commission to be held on September 24.

C. Roberts Rules of Order

It was decided everyone wanted a copy, and the office agreed to place the order.

ADJOURNMENT

Commissioner Wingron made a motion to adjourn the meeting. Prior to the seconding of the motion, Commissioner Eckert commented on the maps included in the proposals. He felt the Rules require a map to include the entire city and the annexed area. Mr. Martin said the rules state, "if applicable." Commissioner Bruer responded this criteria needs to be applied judiciously, across the board, and other proposals did not include such a map. Commissioner Garino noted a map that detailed the larger area would be helpful, and the Commission agreed such maps should be requested in the future. The motion to adjourn was seconded by Commissioner Middelkamp. Voice Vote: Ayes - All Nays - None
The motion passed.

This being a memorandum of the activities at this meeting.

Respectfully submitted,
Carl E. Ramey
Administrator

Approved October 15, 1996

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

MEETING
**PUBLIC HEARING
SPEAKER FORM**

DATE: 9/17/96

PUBLIC HEARING
NO: _____ NAME: Jim BOOHER

YOUR
NAME: Jim BOOHER

ADDRESS: 10516 WISTERIA

TELEPHONE: 849-1542

RESIDENT OF PROPOSAL AREA _____ YES _____ NO

COMMENTS:

SPEAKING FOR _____ SELF _____ ORGANIZATION

NAME OF
ORGANIZATION SAPPINGTON CONCORD

The Boundary Commission welcomes you to this Public Hearing. Your comments are not only welcomed but encouraged.

If you wish to speak, please complete this form and return it to the Chairperson. At the appropriate time on the Agenda the Chairperson will call your name and invite you to present your comments to the Commission. You will have a maximum of three (3) minutes for your comments. Only one speaker form per proposal per speaker may be submitted.

We would ask you to be as concise as possible in your comments, avoiding repetition. This will help the Commission. Thank you for your attendance and comments at this hearing.

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BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI

Meeting
PUBLIC HEARING
SPEAKER FORM

DATE: 09/17/96

~~PUBLIC HEARING~~
NO: _____ NAME: _____

YOUR
NAME: DAN KING

ADDRESS: 8608 VASEL AVE
ST LOUIS MO 63123-3408

TELEPHONE: 314/544-KING

RESIDENT OF PROPOSAL AREA _____ YES _____ NO

COMMENTS:

SPEAKING FOR _____ SELF _____ ORGANIZATION

NAME OF
ORGANIZATION AFTON ACTION

The Boundary Commission welcomes you to this Public Hearing. Your comments are not only welcomed but encouraged.

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