

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

**MEETING MINUTES
September 3, 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	A
KENNETH TRETTER	P
WILLIE WEARY, JR.	A
JACK WIESEHAN	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P

OTHERS PRESENT:

Carl Ramey-Administrator
Steve Martin - Attorney

CALL TO ORDER

The meeting was called to order by First Vice-Chairperson Garino at 6:00 PM on September 3, 1996. The meeting was held in the Crestwood Community Center, White Cliff Park, City of Crestwood, MO.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey calls the roll as reflected above, and a quorum was declared. Commission Member Wingron arrived at 6:25 p.m.

APPROVAL OF AGENDA

A motion was made by Commissioner Bruer to accept the agenda as submitted. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes - All Nays - None *The motion passed.*

APPROVAL OF MINUTES

A motion was made by Commissioner Middelkamp to approve the minutes for the Commission meeting of August 6, 1996. The motion was seconded by Commissioner Tretter. Voice Vote: Ayes - All Nays - None *The motion passed.*

A motion was made by Commissioner Eckert to approve the minutes for the Public Hearing of August 6, 1996. The motion was seconded by Commissioner Tretter. Commissioner Tretter noted for the record that under *Section C. Questions from the Boundary Commission* he had questioned the City of Berkeley about their contact with the Sabreliner Company. Mr. Ramey offered the following language to be inserted into that section of the minutes reflecting this question:

“Commissioner Tretter asked who the City of Berkeley contacted at Sabreliner regarding their proposal. Ms. Flynn responded that they had talked to Mr. Jerry Wade.”

It was the consensus of the Commission to add the language as proposed. Voice Vote: Ayes - All Nays - None *The motion passed.*

A motion was made by Commissioner Bruer to approve the minutes for the Commission meeting of August 20, 1996. The motion was seconded by Commissioner Frager. Voice Vote: Ayes - All Nays - None *The motion passed.*

A motion was made by Commissioner Bruer to approve the minutes for the Public Hearing of August 20, 1996. The motion was seconded by Commissioner Middelkamp. Commissioner Frager sought further clarification of why this proposal may not be considered an unincorporated pocket. Mr. Ramey responded that from the maps provided to the Commission from both the City and the County Planning Department, there was some question as to whether access to the site from the east, along Dunn Road, was from unincorporated St. Louis or the City of Florissant. If it was from unincorporated St. Louis County, then their proposal would not meet the standards in the statute for being an unincorporated pocket. This was a matter the City of Florissant was going to review and report back to the Commission. Voice Vote: Ayes - All Nays - None *The motion passed.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey reported the Commission had not received a proposal from the City of Ferguson for the annexation of an area north of I-270 and Halls Ferry Road. Although he had anticipated its submittal prior to this meeting, because the Ferguson City Council had authorized its submission, he was still awaiting its arrival.

Mr. Ramey also advised the Commission that there had been no further word from the office of the County Executive regarding the probable replacement of Mr. Weary. Neither the Commission, nor the County Executive had received a resignation letter from Mr. Weary. Commissioner Tretter questioned whether Mr. Weary was still receiving notice of the meeting. Mr. Ramey indicated that after the letter was sent to the County Executive seeking his replacement, the packet of information mailed to the Commission prior to each meeting no longer was sent to Mr. Weary. This would have been in July. Commissioner Wojtkowski suggested as long as a Commissioner was officially a member, they should receive at least the notice of the meeting. It was the consensus of the Commission to have staff forward to Mr. Weary notice of any Commission meetings along with the agenda.

NEW BUSINESS:

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

Mr. Ramey presented to the Commission a draft form of a petition to be used by proposing agents for incorporations. Mr. Ramey reviewed his prior meeting with Mr. Jim Booher, representing Citizens to Incorporate Sappington-Concord. The issues facing Mr. Booher and his committee were felt by Mr. Ramey to be issues which would affect other proposing agents under similar circumstances. At issue is whether a mechanism can be created which would allow for changes in a proposal for incorporation which would remain consistent with the statutes governing the Boundary Commission and protect the interests of the individual signing a petition.

Mr. Ramey presented language which both the Commission's attorney, Steve Martin and he felt would achieve this end. It would grant the proposing agent for incorporation the authority, much like a proxy, to act upon the behalf of the petition signers to make changes consistent with the statute. It assumed language similar to that of the authority granted the Commission in the statute to make changes. Mr. Martin indicated that for the Commission to initiate these changes unilaterally caused him some concern.

Commissioner Garino asked whether the petitioner, knowing there was a change could act to have their name removed from the petition. Mr. Martin responded that he thought they could.

Commissioner Garino also asked whether there was anything in the law which prohibited the Commission from creating an unincorporated pocket. Mr. Martin felt there was no direct prohibition. Commissioner Bruer felt in the specific case of Mr. Booher and the

Sappington-Concord proposal, if the territory of Area IV found in the Sunset Hills proposal was excluded in their petition drive, a pocket could occur by default, not design.

Commissioner Frager asked Steve Martin his opinion regarding the Commission's exercise of the statutory section allowing the Commission action to make changes. Mr. Martin expressed his opinion that the Commission should not act unilaterally to add, delete or make changes without the mutual agreement of the proposing agent, for this type of proposal or any other.

Commissioner Frager questioned whether the proxy concept was vague. Another option to consider might be having the petition encompass an area which could be considered the minimum area necessary to create a viable governmental unit. The petition could then have additional areas which could be considered as additional areas to be included or excluded as the situation dictated.

Commission Bruer expressed his concern that the immediate issue, of those seeking to incorporate Sappington-Concord, needs a response from the Commission on their questions, and specifically whether Area IV can be included or excluded. There also remains the longer range issue of the form of petition.

It was the consensus of the Commission that this item needed further deliberation and it would be held over to the next meeting of the Commission to be held on September 17.

OLD BUSINESS:

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

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 17.

It was also agreed that the next work session of the Commission would be on Tuesday, September 24.

ADJOURNMENT

Commissioner Wingron made a motion to adjourn the meeting. The motion was seconded by Commissioner Bruer. 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 September 17, 1996