

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

**MINUTES OF PUBLIC HEARING-BC0302
June 24, 2003**

COMMISSION ATTENDANCE:

Commissioners	Present (P)/Absent (A)
MATT ARMSTRONG	P
TED ARMSTRONG	P
JANE ARNOLD	A
BOB FORD	P
TOM HAYEK	P
GREG KLOEPEL	P
ILENE ORDOWER	A
MARY SCHUMAN	A
JOHNNIE SPEARS	P
CAROL STROKER	P
DON WOJTKOWSKI	P

OTHERS PRESENT:

David Hamilton – Legal Council

CALL TO ORDER

Chairman Hayek called to order the meeting of the Boundary Commission at 7:00 p.m. on June 24, 2003. The meeting was held at the Maryland Heights Community Center, 2344 McKelvey Drive, Maryland Heights, Missouri. The purpose of the meeting was to conduct a public hearing on the proposal submitted by the City of Maryland Heights to annex the Page Avenue Annexation Area (BC0302).

PUBLIC HEARING-BC0302-Maryland Heights/Page Avenue Annexation Area

A. Introductory remarks by Chairman

Mr. Hayek said a proposal was submitted by the City of Maryland Heights to annex the area known as the Page Avenue Annexation Area, which is generally bounded by Marine Avenue to the north, the City of Maryland Heights and Bennington Place to the east, and the Page Avenue Extension to the south and west.

Mr. Hayek introduced Boundary Commission members and explained their role and the review process. He instructed members of the public to fill out and turn in speaker cards if they wished to address the Commission. Individuals are allowed three minutes to speak; those representing

groups are allowed five. Written comments will be accepted for twenty-one days following the public hearing.

Mr. Hayek said this is a review process and if the proposal is approved it will go to a vote of citizens both within the annexation area and in Maryland Heights. In order for the proposal to be passed, a majority of people from both places must vote for it. The Commission will make its decision based on presentations at the public hearing, by review of the proposal, and by using the “Best Interest Test” criteria based on factors from the Missouri State Statutes.

Mr. Hayek said Maryland Heights and the County will each have 15 minutes to give their presentations. The Commission may ask questions after each presentation. The public comment section will follow the conclusion of questions for the County. Mr. Hayek said the Commission will meet at its office on July 15, 2003 to review the proposal and decide whether to approve or disapprove it. If approved, the intention is to get it on the November 2003 ballot.

B. Presentation by Proposing Agent - City of Maryland Heights

Maryland Heights Mayor, Michael Moeller, said the Page Avenue Annexation Area is roughly 199.7 acres and is located next to the southwest Maryland Heights City limits, bordered by Page Avenue Extension to the south, Bennington Place to the east, and Marine Avenue to the north.

Mayor Moeller listed key demographic and geographic factors of the area: Maryland Heights is approximately 55% contiguous to the area, there are about 3.9 miles of streets within the area, six-tenths of which are classified as publicly maintained and operated, the area population is 2,053, based on 2000 census data, the area has an estimated assessed valuation of \$64,188,700, and annual revenues of approximately \$476,546. These revenues would move from the County to the City based on “pool city” distribution. He said the area is fully developed with single and multi family land uses. The zoning districts are: NU, R2, R3, R5, R6, and R6a; all residential zoning districts for the County. There are no commercial land uses in this area.

Mayor Moeller said based on the straightforward nature of the proposal and the absence of any complicated or contentious issues, and so that it may be considered on the November 2003 ballot, the City requested and received an expedited review of their proposal by the Commission. Thanks to this, the annexation may be completed in time for the opening of the Page Avenue Extension. In order for the annexation to be on the November ballot, the ballot language must be certified by the St. Louis County Election Office by 5pm on August 26, 2003.

The Mayor said annexation is logical, concise, and economically feasible and would allow the City to consolidate its southern border based on the construction of a major highway. Page Avenue Extension provides a logical border and acts as a barrier between the annexation area and the rest of unincorporated St. Louis County. He said currently, all access streets in the area are within the City limits and that area residents already utilize the City’s businesses and social organizations. Annexation would formalize these established relationships and allow residents to enjoy benefits and services currently available to City residents. He said the City provides services to establishments bisected by current City limits, one example being the West Pointe Manner apartment complex which is located half in the City, half in the County. Annexation

would consolidate the City's service area and would allow the City to ensure that development adheres to common standards, inspection practices and programs. It would also allow the City to provide public safety service in the form of police safety patrols along the entirety of the Page Avenue corridor. If annexation does not occur, the County would bear sole responsibility for patrolling the small portion not within City limits, creating a "pocket" situation. The construction of Page Avenue Extension has and will further isolate this area from other areas of the County making it less efficient to provide services. Annexation removes the issue of the County servicing an isolated area which benefits residents by allowing the County to focus on providing services to easily accessed areas rather than trying to reach an isolated pocket.

Mayor Moeller said the annexation area is composed entirely of residential land use; there are no commercial or retail land uses there. Revenues generated are from miscellaneous existing taxes and fees and will be sufficient for the provision of high level, quality services from the City. He said increases in taxation levels from this area are minimal. Maryland Heights has no property taxes so these rates will remain the same. He said the utility tax rate will increase from 5% to 5.5%, resulting in an average increase of fifty cents on a one hundred dollar utility bill. The Mayor said the City has a beneficial utility tax rebate program for qualified senior citizens. He said the sales tax rate would increase from 6.075% to 6.575% due to a local parks and storm water tax of one-half of a cent. This increase is negligible because there are no commercial or retail properties in the area. The primary tax impact would be in the purchase of a new vehicle, resulting in an approximate increase of \$100 on a \$20,000 purchase.

Mayor Moeller said annexation would provide area and population growth for the City which is essentially built out in respect to residential development. Annexation is the only opportunity for the City to add residential population.

The Mayor said except for a transfer of service from the County to the City taxing district, services and providers would remain the same for residents in this area. They will utilize the same school and fire protection districts as before. In closing, the City believes this annexation is logical and makes good government sense, making the provision of government more effective and efficient. The City believes this annexation is in the best interest of all parties involved.

Questions from the Boundary Commission

Mr. Kloepfel asked how the City received approval from the residents in the proposed annexation area. Mayor Moeller said most residents were contacted via the subdivision trustees and referred the Commission to Matt Shatto, Assistant to the City Administrator, for a detailed response. Mr. Shatto said he contacted homeowners associations, condominium associations and apartment complexes to let them know the City's intentions and to get their responses. Mr. Kloepfel asked if Mr. Shatto is aware that the Sherwood Place Condominium Association is adamantly opposed to this annexation and if he knew why. Mr. Shatto said he is aware of this and to the best of his knowledge the residents do not want change. Mr. Kloepfel asked if that was the only reason and if residents were satisfied with the services they presently receive from the County. Mr. Shatto said that is his understanding. Mr. Kloepfel asked if the Mayor had been in contact with anyone from the Sherwood complex. Mayor Moeller said no.

Mr. Kloepfel said it looked like the City would expect to gain in excess of \$300,000 revenues over expenditures from the annexation. He asked the Mayor how the City plans to utilize that money. Mayor Moeller said it would go into general funds like any other revenue.

Ms. Stroker asked if the newly annexed area would be penalized or charged more with regard to the Creve Coeur Fire District, or if there would be no difference. Mayor Moeller said no, the only difference would be the half cent utility tax and the additional sales tax. As for property tax or any other taxes, there would be no difference.

Mr. T. Armstrong asked what the purpose of annexing the Page Avenue Extension is. Mayor Moeller said both ends of Page Avenue are currently in Maryland Heights and the only part not in the City is the portion in the annexation area. He said it would be an enforcement issue along the highway concerning accidents. Mr. T. Armstrong asked if there is any revenue impact. Mayor Moeller said not significantly. Howard Paperner, City Attorney for Maryland Heights, said the Municipal Court has never been a revenue generating device even though major highways are located in the City. He said both ends of Page are contained within the City and this is a small portion that would be left out. He said it is easier to control a road when you control all of it. He also said the City would be the first responder to any accident or law enforcement situation along that road and it would complicate matters by having to call upon the County to respond, and they would have to go through Maryland Heights to get there.

Mr. Hayek asked about the Sherwood complex regarding the City's claim that there are no contentious issues involved in the annexation area. Mayor Moeller said he has not received any negative calls and thinks they are simply against change. Mr. Hayek asked how the contact process with area residents was conducted. Mr. Shatto said he personally contacted the specific groups within the annexation area to notify them of the City's thoughts and to get their opinions on annexation. Mr. Hayek asked if the City held a community meeting with a map and financial figures to help explain their intentions. Mr. Shatto said no, but there was always an offer to come to a specific group's meeting to discuss the proposal so there was an opportunity for that to happen. Mr. Hayek asked why it is difficult for the County to service the annexation area with regard to the Page Avenue Extension. He asked if there is no way to get across Page Avenue in that area, if there are no intersections and if it is completely cut off. Mr. Paperner said yes.

Mr. Hayek asked how the population to be annexed will benefit from the \$300,000 increase in revenues for Maryland Heights. Mayor Moeller said they would receive all City services and benefits including snow removal, police protection, and parks and recreation programs. Mr. Hayek said the County also provides these things and asked what advantage residents would gain that they do not currently have. Mayor Moeller said response times for services would be faster.

Mr. Wojtkowski asked what will happen to the approximate 25-30% of the area that is currently a landfill. Mr. Paperner said it remains to be seen. He said the landfill has been closed for a number of years and is regulated by the Missouri Department of Natural Resources and the St. Louis County Department of Health in terms of its "post-closure" requirements dealing with any escaping methane gas or groundwater problems. He said financing is not generally available to develop closed landfills, thus future land use and development is difficult to determine. He said it is extremely difficult to put in any type of residential or commercial uses to meet foundation

requirements because of settling. The City learned both the MDNR and St. Louis County Department of Health had gone through significant layoffs resulting in a reduction in staff to do periodic inspections, reports and enforcement in this area and that in many cases the City would be in the position of having to do those inspections to determine whether State and County regulations are being followed. Mr. Wojtkowski asked if the City has the resources and knowledge to appropriately administer to the landfill. Mayor Moeller said yes, in the past the City regulated the BFI landfill which was involved in significant amounts of litigation. He said he gained a lot of knowledge from that experience. He said the City also has experience from regulation of the Fred Webber landfill. Mr. Wojtkowski asked if it is true they have absolutely no plans or ideas of what will eventually happen to the landfill. Mr. Paperner said there has been some debate over it, and there is going to be a future land use there. Based on records and inspections, the landfill is in very good shape for a “post-closure” status, but future land use for that area is difficult to determine. It is presently being used under license by the County as a temporary storage site for fill material from Lambert Field. It is difficult to say what the ultimate use for it will be because landfills take years to settle and for the gas and contaminated water to leave it so that there can be an ultimate and final use. Normally, interim uses are either totally passive or recreational. Mr. Wojtkowski asked what they have determined through their investigations to be the potential highest and best use of that property. Mr. Paperner said that determination can not be made at this time by anyone. Mitch Bair, from the Maryland Heights Planning Department, said it is a private piece of property and they do not foresee a future land use change or zoning change on that property. He said the City feels it will exist as a Non-Urban zone and that they do not proactively try to develop or redevelop somebody else’s property. Mr. Wojtkowski asked if he sees it as a “forever” piece of Non-Urban zoning. Mr. Bair said yes, not excluding parks and recreational uses. From a land use perspective, although it is not completely out of the realm of possibilities, it is very difficult to do anything with these sites.

Mr. Ford asked if the City intends to increase their police force to serve the additional 2,000 people in the annexation area. Mayor Moeller said no, it would not be necessary. Mr. Ford said the plan of intent claims to have three policemen for every 1,000 residents and asked if a 2,000 resident addition would not constitute a need for an increase in the police department. City Administrator, Mark Levin, said they have a lot of policemen right now which is enough to accommodate an additional 2,000 people. He said they have analyzed what has been going on from St. Louis County as well as what goes on in similar land uses within the City in terms of forecasting calls for service, and it has been determined they do not need to add another sector to the City. Coverage can be incorporated into the existing patrol plan. Mr. Ford asked if all the subdivisions have street lights. Mr. Levin said no. Mr. Ford asked if the City intends to put street lights and sidewalks in all subdivisions. Mr. Levin said they provide street lighting and sidewalks on all public streets; some of these are apartment complexes that are not public streets.

Mr. Hayek asked when the aerial photo in the proposal was taken. Mayor Moeller said October, 2001.

C. Comments from St. Louis County

Mr. Len Groszek, from the St. Louis County Planning Department, said in the past people from the County met with officials from Maryland Heights and the County agreed with the City that

from a geographic basis this annexation appears to be a logical extension of their boundaries to the south, keeping Page Avenue Extension in mind as a boundary which is going to become even more so as work on it is completed. He said the County, however, does not take a position on this annexation, neither favoring nor opposing it, but defers to the judgment of the people who live in the area. He said this is a standard annexation that must be voted on if the Commission so determines it and it is really up to the residents. If people do not want to be part of Maryland Heights the County is happy to continue providing services to the area. If the people decide to be part of Maryland Heights, the County is fine with that also.

Mr. Groszek said the County will prepare a report for the Boundary Commission which will address some of the facts and figures presented in the City's plan of intent. He said there is a discrepancy with the City's population figure of 2,053 and the County's population number of 1,596. This discrepancy may be due to census tracts that are split by Page Avenue. He said there is also a difference in dwelling units by six. He hopes to work with the City to determine the correct numbers because they affect projected losses and gains in revenue and they must agree by the time of the annexation because it affects how much revenue a City will obtain for a particular annexation. Another discrepancy he found is with regard to TGA districts. He said according to their maps, the area is a part of the "Fee Fee-Schutz-Mason-Midland" TGA district.

Questions from the Boundary Commission

Mr. Kloeppel asked if the County made any effort to contact residents of the annexation area to see if they favor or oppose this proposal. Mr. Groszek said not to his knowledge, but there were some meetings during the map plan phase in this area with mixed reactions. Mr. Kloeppel asked how the potential loss of this area would affect the County's police force. Mr. Groszek said they had some preliminary comments from the police department but they did not seem to address this issue. They did address the issue of some revenue loss that affects them and affects the overall efficiency of the County government police force. Mr. Kloeppel asked if there were any specific statements about whether an officer would lose his job. Mr. Groszek said no.

Ms. Stroker asked if the area was part of a housing conservation or preservation district. Mr. Groszek said no.

Mr. T. Armstrong expressed his concern that in his experience with annexation proposals the County seems to always take a neutral position stating they will follow the desires of the voters, and seems unconcerned about the potential loss of revenue from an annexation. He estimated the loss of revenue somewhere between \$350,000 and \$476,000 for this particular annexation and asked at what point the County would oppose an annexation. Mr. Groszek said the County is always concerned about loss of revenue and certain departments are affected more than others. With regard to this annexation, they are looking at it in terms of its geographic logic. He also said if the County takes the position that any loss of revenue could have a detrimental affect then they should probably oppose all annexation proposals for that particular reason. He said some departments are more strongly opposed to annexations than others because of loss of revenue and because it affects their budgets more strongly than the overall County government budget. Mr. T. Armstrong said he is focused on this issue because not once in his experience has he seen the County take the position that a particular project or cumulative series of projects would be

detrimental to it. He said one of the things the Boundary Commission is committed to is to make sure the County does not get itself into a jam during the annexation process, and he is very sensitive to this issue and is very uncomfortable that the County has not once said anything about the revenue loss. He said this particular loss is larger than most and at some point the County has to draw the line because these losses are cumulative. He is interested that the County does not seem to feel this is very important.

Mr. Hayek asked where the officers who patrol this area come from. Mr. Groszek said he believes they are from the second precinct, and he will look into their actual location. Mr. Hayek asked how many officers patrol that area and if it is patrolled by a specific officer. Mr. Hayek said he is concerned that a City is increasing in population by roughly 10% but the Commission was told no additional police officers would be necessary. He said it is somewhat disconcerting that the officers capable of patrolling a City of 25,000 can take on an additional 10% without experiencing a decrease in coverage for the citizenry. He thinks the citizenry is entitled to know that they will maintain the same level of police protection they have with the County. Mr. Groszek said he would check into that and inform the Commission of his findings.

Mr. Hayek asked if the County has received any complaints, concerns, or disparaging remarks of any kind from residents regarding the ability of the County to provide services such as snow removal, police, code enforcement to them. Mr. Groszek said not that he is aware of.

Mr. Hayek asked if records are available in the County Planning office from the map plan public hearings in this area with the results of or any input from the citizenry at the time of those meetings. Mr. Groszek said there were and he would look them up. He thinks records are also in the Boundary Commission archives. Mr. Hayek asked him to let the Boundary Commission staff person know where those records might be in case anyone would like to see them.

Mr. Wojtkowski said after looking at the numbers in the plan of intent this annexation looks like a significant windfall for Maryland Heights and a significant penalty to the revenues of the County. He would like the County to take a little harder look at that and would like the City to clarify the financing part of their proposal including possible future capital expenditures.

Mr. Ford asked Mr. Groszek to include information on what it costs to provide services, such as snow removal, police, street maintenance, for the area in his report to the Commission.

D. Public Comment

Nancy Williams, Board President for Sherwood Place Condominium Association
Ms. Williams read a letter to the Commission that said the Board of Directors of Sherwood Place Condominium is adamantly and unanimously opposed to annexation. Mr. T. Armstrong asked why. Ms. Williams said they feel they would be paying more money and getting nothing in return. She said they feel they would receive less in the way of services such as police and fire, and that they are a private community and pay for their own street lights, snow removal, property maintenance and so forth. Mr. T. Armstrong asked how many residents she represents. Ms. Williams said one hundred twenty.

Mr. M. Armstrong asked who currently does property inspections upon sale or transfer of property in her community. Ms. Williams said with regard to an occupancy permit, there are no inspections. Mr. M. Armstrong asked if there would be inspections if Maryland Heights took over. Ms. Williams said she understood there would be. Mr. M. Armstrong asked if that is part of the problem people are having with the possible annexation. Ms. Williams said she did not know. She said people have their own individual reasons but they all came together as a group and said they do not want to be annexed. Mr. M. Armstrong asked if it was one hundred twenty unanimous, individual reasons. Ms. Williams said the 120 people have their own personal reasons. She said some unit owners live out of town, so not all 120 people were in attendance. Mr. M. Armstrong asked if Ms. Williams could list the top five reasons against annexation. Ms. Williams said they are happy with St. Louis County and the services they already have and there isn't anything Maryland Heights has to offer that they want.

Tom Wilsdon, 2027 Sanfield

Mr. Wilsdon is a Maryland Heights Township Republican Committeeman and was a founding member of the City. He said with regard to Sherwood Place, there was a big problem when the City incorporated. He said he served on the Police Commission from 1986-1994. He favors annexation and disagreed with Ms. William's assessment of getting less in the way of police and fire services. He believes with annexation, services would be less expensive and better.

Don Meier, 12915 Polo Parc

Mr. Meier represents the Polo Parc Homeowners Association. They met with the Maryland Heights City Administrator about two months ago regarding the potential annexation. The Polo Parc residents still have some unanswered questions about the annexation and plan to discuss it further at their next meeting on July 16, 2003. Speaking as an individual resident, Mr. Meier favors annexation and hopes to be able to vote on it in November for better services. Mr. Hayek said the Boundary Commission will meet on July 15, 2003 to discuss merits of the proposal.

Ms. Stroker asked Mr. Levin about the West Pointe apartment complex. Mr. Levin said approximately 40% of the complex is in Maryland Heights, 60% is in the County, and is divided by Bennington. Ms. Stroker asked if the portion located in the City is under occupancy codes and inspections codes by the City while the units located in the County are not obligated under the Maryland Heights code to be inspected. Mr. Levin said they have no jurisdiction outside the City limits but they do inspect all apartments and any other residences that have a change of occupancy. Ms. Stroker asked if the part of West Pointe in Maryland Heights is inspected while the part of West Pointe in the County is not. Mr. Levin said that is correct.

E. Adjournment

Mr. Ford made a motion to adjourn. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Respectfully submitted,
Kim Miller
Executive Director
Approved: 7/15/03