

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

July 15, 2003

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Bob Ford, Greg Kloeppel, Ilene Ordower, Mary Schuman, Johnnie Spears, Carol Stroker  
Commissioners Absent: Jane Arnold, Thomas Hayek, Don Wojtkowski

Commission Staff Present:

David Hamilton, Boundary Commission Legal Counsel

Others Present:

Lori Fiegel, St. Louis County Planning Department  
Len Groszek, St. Louis County Planning Department  
Howard Paperner, City Attorney for the City of Maryland Heights  
Mitch Bair, Planner for the City of Maryland Heights

CALL TO ORDER

Mr. Spears called the meeting to order at 6:30 p.m., July 15, 2003. The meeting was held at the Boundary Commission office, 1516 S. Brentwood Blvd., Brentwood, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Mr. Hamilton.

APPROVE AGENDA

Mr. T. Armstrong made a motion to approve the agenda. Ms. Ordower seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. T. Armstrong moved to have the words “believe this to be political b.s. and” removed from the meeting minutes of June 24, 2003. Mr. Kloeppel seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* Mr. Ford made a motion to approve the minutes of June 24, 2003 as amended. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* Mr. Kloeppel moved to approve the public hearing minutes of June 24, 2003. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

PUBLIC COMMENT

Ms. Fiegel referred to a letter faxed to the Boundary Commission from Glenn Powers, Director of Planning for St. Louis County, on July 15, 2003. The letter expressed the County’s opposition to the proposed BC0302 Maryland Heights annexation. Ms. Fiegel said while the annexation makes sense from planning and geographic perspectives, further consideration of the fiscal impact combined with recent budget cuts make this annexation, which would have an impact of a \$400,000 loss to a jurisdiction that provides services to over 300,000 residents, something the County at this time can not take lightly.

Mr. Paperner said he was unaware of the change in the position of St. Louis County until the meeting. He pointed out that while the County's position has changed, the facts presented at the public hearing have not. He said the geographical separation of the annexation area is caused by actions of the Missouri Department of Transportation and St. Louis County and access to this area is only through Maryland Heights. He said the City wanted an interchange that would have allowed access to the area from the rest of the County, but it was opposed by the Missouri Department of Transportation and St. Louis County Highway Department. He said the isolation of this area is not something that was caused by the City's government and the City will be required to be the first responder in emergency services no matter what happens. He said regardless of whether or not the annexation is a windfall, Page Avenue Extension is being built and it is separating the annexation area from the rest of the County and it is thrusting into Maryland Heights and he would like the Commission to consider that.

Mr. Kloeppel wondered why the County does not take a more adamant approach to annexation proposals and asked what occurred since the time of the public hearing to make them reconsider their position. Ms. Fiegel said it is not uncommon for the County to take a more neutral position at a public hearing and that often one learns things at the public hearing and that the County often does not like to go out in front of citizens, so it is not uncommon to not take a strong position. She said they just received their budget message and the impacts of these numbers were looked at much more seriously because of recent budget information. She said \$400,000 is a significant amount. Mr. Kloeppel said Mr. Armstrong raised that issue at the public hearing, and asked if the County just recently revaluated those numbers. Ms. Fiegel said they received their budget numbers to work with just this week. She said the County is not saying that in the future this would not be a good annexation to proceed with. They see merits from a boundary and geographic position, but they still have 330,000 people to serve, and the police department takes a very significant hit. She said they are funded completely with utility tax and cigarette taxes earmarked for police services and then they draw from the general fund through the sales tax. While there is still a significant population to serve in the larger area, they feel those interests would be affected by the loss of this kind of revenue. Mr. Kloeppel asked if the County performed any in-depth study of how many police officers would lose their jobs. Mr. Groszek said he checked with the County Police Department for this particular area and was told there would be no job losses.

Mr. Ford asked about the County's case study approach to this proposal. Mr. Groszek said it allowed an opportunity to not only read the plan of intent, but to study it and get more involved with it. He said after studying it more deeply, there was a realization of a significant loss. Mr. Groszek said historically, since the 1970's, the County opposed every proposal. He said at a certain point there were court rulings and Maryland Heights and Town and Country came along, and the County still opposed things, but times have evolved to the point of having a lot of simplified proposals with signatures of 75% of the registered voters. Because of those overwhelming numbers, the County chose not to oppose proposals. He said there is a cumulative impact on the overall budget over time, but it would be difficult to go back and try to calculate what that impact is. He said the County has been fortunate over the years in budgetary terms and in terms of not having to

raise taxes, but now the time has come where it is getting tighter and things need to be looked at more closely, especially when losing a significant, \$300,000 amount.

Mr. Ford said according to the Rules, the Commission has twenty-one days to accept information with regard to an annexation following a public hearing and asked if twenty-one days had transpired. Mr. Hamilton said it has been exactly twenty-one days.

Ms. Ordower asked if Maryland Heights currently serves the area. Mr. Paperner said probably, especially with regard to police protection because Maryland Heights is probably the first responder because their police department and personnel are closer than anyone else. He said the extension of Page Avenue cuts the area off from the rest of the County and in terms of public safety emergencies the City would have to respond first. Ms. Ordower asked how much he thought that cost the City. Mr. Paperner said he did not know. He said Page Avenue Extension, without annexation, would mean it would run from Maryland Heights to the County, and back into Maryland Heights. He said it would be better to keep it all in one jurisdiction and have the public safety problems and law enforcement along Page handled by one agency. Mr. Paperner said it is up to the people to vote whether or not the County should compete with the City to deliver municipal services and that St. Louis County is virtually the only county in the state of Missouri that delivers municipal services.

Ms. Stroker asked about the discrepancy in population numbers. Mr. Bair said the numbers came from different census data used and the City now agrees with the County's population figures, as referenced in the letter from Maryland Heights to the Commission. He said the City adjusted their projections to reflect the County's population number of 1,589. Mr. Kloeppel asked how the revenue figures were adjusted. Mr. Bair said the numbers went down by about \$76,000.

Mr. M. Armstrong asked why Maryland Heights wished to expedite the proposal. Mr. Paperner said because of the opening of the Page Avenue Extension which will create a geographic division. Mr. M. Armstrong asked when the extension will be finished. Mr. Bair said summer of 2004. He said having the annexation on the November ballot would give the time needed to switch services over and make a smooth transition.

Mr. M. Armstrong expressed concern about the discrepancy of income versus expenses issues raised at the public hearing and asked if it would be possible for the County and Maryland Heights to negotiate a position where the City would take the financial gains from the area over a period of time to allow the County to adjust its budget if the proposal was tabled for a while. He asked if it is necessary from the City's perspective, for this to be on the November ballot. Mr. Paperner said there are huge amounts of administrative problems in terms of handling the response of a municipal police department outside of its venue and that it is a huge problem for the City Attorney in terms of liability issues. Mr. T. Armstrong asked if there is any possible way to make a transfer of funds to compensate the County's loss of revenue and the gain the City will receive from the annexation. Ms. Fiegel said yes, if they add a jurisdiction. She said she is aware of negotiated annexations in other places outside of St. Louis County. She said there could also be a contracting of services so the City could pay County police to patrol the area to bring some money back. Mr. T. Armstrong asked if this has ever been done in St. Louis

County. Mr. Paperner said there can be intergovernmental contracts that are normally for the exchange of services, but he did not know legally how to draft a contract that says “we are going to pay you for your future loss of revenue.” Mr. T. Armstrong reiterated what Ms. Fiegel said, that it could be couched in terms of a provision of services from the County to the City. He said what he is suggesting to the County is that this is a method they should explore now that they are aware of the fact that impact from revenue losses from annexations are cumulative. He said the County needs to find a way to address this and encouraged the County strongly to come up with a solution. Ms. Stroker thought this was handled in the past by making areas that are annexed remain a part of the pool. Ms. Fiegel said that is a legislative action. Mr. Paperner said Maryland Heights is a pool city and if the City, under state law at the time, could make the election of whether it would be a pool or a point of sale city, being a point of sale city would have bankrupted the pool.

Mr. Ford asked if the annexation area is in a Traffic Generation Assessment Trust Fund area. Mr. Groszek said yes. Mr. Ford asked if Maryland Heights has agreed to participate in this. Mr. Paperner said no. Mr. T. Armstrong asked what the effect of not participating would be. Mr. Paperner said it is a complicated matter because you are dealing with two quite different developments. He said the decision making would come out of two different bodies, the planning and zoning processes and ultimately the City Council determines the extent of fees, whether or not they are waived. He said this takes place in all of unincorporated County. He said the City has a completely different system for zoning in which we handle extractions that are extracted from the developer that is put into the development- not into a fund. He said the limitations put upon the City in what they can extract in zoning are much narrower than the County and when looking at impact fees in the past there is no Missouri court case that approves them. Mr. Ford commented that normally the Commission does not expedite annexation proposals because of complicated issues such as this.

#### ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Spears referred the Commission to recent correspondence in their mailing packets.

#### STAFF REPORT

Mr. M. Armstrong said he plans to look at potential new office space for the Boundary Commission on Monday, July 21, at 9:30 am and invited anyone who is interested to go.

#### NEW BUSINESS

There was no new business.

#### OLD BUSINESS

A. Review of BC0302, Maryland Heights Annexation Proposal

Mr. Spears opened the floor for comments and discussion of the BC0302 proposal.

Ms. Stroker said she is looking at this in terms of logic and revenue and can only see the impact of the loss of revenue. Weighing the issues and the ability to resolve some of these problems, she thinks it makes most sense for Maryland Heights.

Ms. Schuman said it makes most sense for the residents, in terms of services, to be in Maryland Heights. She said the problem with the County and their loss of revenue is that it is not offset in a reduction of expenditures. Maryland Heights is a pool city and the only way they can grow is to annex areas. She said the only real issue against the annexation is the hurt that will be caused to the County.

Mr. M. Armstrong said he is concerned about the cumulative effect of annexations on the County financially and he is glad the County is now addressing this problem, although a bit late. He said from all perspectives except for the concern with revenue loss, it makes absolute sense for Maryland Heights to have this pocket. He said he asked why it is imperative for this proposal to be rushed to go on the November ballot, and the reply he received was that there was a wish to have services in place for the opening of the Page Avenue Extension, assuming it will open on time. He said he is not convinced of the urgency of this matter and would like to see the issue tabled to give the City and the County an opportunity to try to negotiate a reasonable transition that benefits both. He said he would like to put it to a vote eventually, but is not convinced it has to be decided on at this meeting, though he is open to listen to other reasons for the rush.

Ms. Ordower said she thinks it makes more sense for the annexation area to be in Maryland Heights than in the County. She said if there is some way that by postponing it there is a way to help the County, she would agree to that.

Mr. T. Armstrong said there was very little comment from residents at the public hearing and there seems to be little opposition to the annexation. He is not sure there is much to be gained by delaying it while there is some benefit in having this area concurrent to the opening of the Page Avenue Extension and if the Commission delays it, the delay could end up being significant. He feels they should approve it to go on the ballot.

Mr. Ford said the Page Avenue boundary is logical, but feels the County is damaged more by the annexation than Maryland Heights is helped, and from that perspective, is not in favor of it. He said in the past, cities who wished to annex were required to pass ordinances to participate in Traffic Generated Assessments. His question is if Maryland Heights does not want to participate, what affect will that have on other areas outside of the City. He said he never agreed with expediting this proposal and feels by rushing a proposal you could miss something and he wishes to do his job properly.

Mr. Kloeppe said our goal is not what is in the best interest of the City or County government but what is in the best interest of the residents of both areas affected. He said he is disappointed in the last minuteness of the County's letter indicating their opposition to the proposal. He said when looking at whether or not the proposal is logical, it is, as are all plans of intents received by the Commission. He said while the financial impact on the County is major, it is also the Commission's duty to let the people speak. He said one way the County can attack this is through the political process, to make sure the residents in the areas affected know what the County will lose. He said he is not sure expediting proposals is wise and does not like to do anything rash, and there have been many new issues brought up at the meeting tonight. He said not having any numbers to go by with regard to how the loss of the approximate \$320,000 will affect County residents hurts the Boundary Commission in their decision making process.

Mr. Spears said with the exception of the financial aspect, there is no reason why the proposal should not go forward. Given that the financial information from the County came in at the last minute, he would recommend the proposal go forward with no delay.

Mr. T. Armstrong asked Mr. Hamilton if he had any comment on Traffic Generation Assessment issues Mr. Ford raised. Mr. Hamilton said he did not. He is not familiar enough with the mechanics of it to comment and is not sure how it would work. Mr. Groszek said his understanding is that it is based on assessed parking spaces not zoning. Based on those parking spaces an amount is figured for what would be owed. It is his understanding that if there are some on-site or site related improvements needed, that expense is subtracted out and what is left over is included in the Trust Fund. How it interfaces between Maryland Heights or St. Louis County, he can not say. He said this is a simplified explanation based on his understanding of it. Mr. Paperner said Maryland Heights has looked at it in terms of a trip generation and of specific use. In this case, the area is for the most part built out for the foreseeable future. There is no significant impact for the next ten or fifteen years.

Ms. Schuman asked what the County's total operating budget is. Ms. Fiegel said the general fund is approximately \$300,000,000- \$350,000,000. Ms. Schuman said perhaps with a budget of this size, they may not see a huge impact with this annexation. Ms. Fiegel said they are already seeing an impact.

There being no further comments, Mr. Spears asked for a motion to close consideration of comments and discussion about the BC0302 proposal. Mr. T. Armstrong moved to approve the proposal presented by Maryland Heights and allow it to go forward with the understanding that there be a separate majority of votes cast on the question in the City of Maryland Heights and a separate majority of votes cast in each voting jurisdiction comprising the unincorporated area of the County are in favor of the boundary change. Ms. Ordower seconded the motion. A voice vote was held with the following results: Commissioner M. Armstrong, yea; Commissioner T. Armstrong, yea; Commissioner Ford, nay; Commissioner Kloeppel, yea; Commissioner Ordower, yea; Commissioner Schuman, yea; Commissioner Spears, yea; Commissioner Stroker, yea. Three members were absent. *The proposal carried by 7 to 1 majority vote of the members present.*

#### ADJOURNMENTS

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

The meeting was adjourned.

Respectfully submitted,  
Kim Miller  
Executive Director

Approved: August 26, 2003