

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

**MINUTES OF PUBLIC HEARING-BC0405
August 24, 2004**

COMMISSION ATTENDANCE:

Commissioners	Present (P)/Absent (A)
MATT ARMSTRONG	A
TED ARMSTRONG	P (7:10 p.m.)
CHRISTINE BREDENKOETTER	P
BOB FORD	P
MARVIN GELBER	P
TOM HAYEK	A
GREG KLOEPPEL	P
BETTY MARVER	P
MARY SCHUMAN	P
JOHNNIE SPEARS	P
DON WOJTKOWSKI	P

OTHERS PRESENT:

Courtney Irwin – Executive Director
David Hamilton – Legal Counsel

CALL TO ORDER

1st Vice Chair Spears: The meeting will now come to order. We're going into the Public Hearing for BC0405 – Ellisville Annexation proposal. I would like to kind of go back and reiterate on some of the guidelines we try to follow. We have speaker cards back on the table to sign up if you'd like to speak on the proposal. We encourage each and everyone to voice their concern pro or con. But along those lines, we'd like to please ask everyone to show respect. Let's not applaud one way or the other, pro or con. Let's hold it neutral and try to get a good understanding from each proposal on it. The other guidelines is the city of Ellisville will present their proposal for 15 minutes. There will be questions from the Commission, then St. Louis County will present their proposal, which they will have 15 minutes. Questions from the Commission, and then we'll go into the public comments. And then at the beginning before we go into the public comments, I will announce again that will be the last chance for filling out a public speaking comments form. Thank you. Mr. Mayor.

Khoury: Good evening, Commission members. I'd like to welcome everyone to the city of Ellisville. We do appreciate you coming out here this evening to meet us in our neighborhood. I'd also like to point out that we have five of our six Council members here present in the audience as well as many staff department heads or city managers present, the assistant city manager, finance director, planning director, and our acting police chief.

The primary reason for the City Council's unanimous support of this plan are the desires of the residents in the annexation area, our own residents near that area for this plan. Additionally, the city of Ellisville is a full-service city which can conveniently provide the desired services to the area without going through another municipality to do so. By the way, copies of this presentation will be available on the back table as you exit this evening. Next slide.

The plan ... this plan meets all the Boundary Commission requirements. It is 25 percent contiguous to Ellisville. It will eliminate three existing unincorporated pockets. The plan is less than half of the five-year map plan submittal from the year 2000. In other words, we were selective with this plan. The area is situated just south of Ellisville and can be easily serviced by the Ellisville Police Department. On this map you'll see the area in question in color ... okay, let's see ... I'm not sure how to use this but ... all right. Well, we'll go without that. The area to the upper right is Ballwin, to the upper left is Ellisville, to the west is Wildwood, the bottom left-hand corner is Wildwood, and to the south is St. Louis County. Next slide.

The Ellisville annexation area is comprised of several subdivisions and residentially zoned properties. The list is here for your reference, of course, but please note that Sheffield Forest is not included in the list. Ellisville heard their concerns previously. We also supported them in the opposition of the McBride development. In fact, I was the only mayor to address the County Council during their meeting regarding the rezoning for that development. Next slide.

This is a map of the existing zoning. And I'm going to go directly into the map of the proposed zoning, and the highlights of this are that the NU, Non-Urban area which is in the green area will remain the same as well as the R-2 County Residential District, which is in the blue area. Kind of difficult to see on this slide but We will also adopt the County's R-1 Zoning designation and regulations. The County R-1A will become Ellisville R-1, which will not create any non-conformities for property owners. This zoning plan protects the residents within the annexation area.

Homes and streets in the Ellisville annexation area are very similar in nature to those in adjacent Ellisville. These are pictures of the city of Ellisville. Local municipal government affords residents a voice in the governing of their neighborhood. The Ellisville City Council is a very responsive body of government. We also provide an opportunity for residents to speak. It's actually guaranteed by our charter that at every City Council meeting residents are allowed to speak. And by the way, our charter can only be changed by the vote of the people and not by the City Council. Ellisville annexation area is in close proximity to Bluebird Park and here are some pictures of that area. It's also close by other parks as well as our extensive multi-use trail ... trail system. Ellisville has a full range of retail and consumer service based businesses within close proximity, and it's likely that the annexation area residents pass through Ellisville on a regular basis going to and from their homes. As I previously mentioned, Ellisville is a full-service city. We also have a fine professional staff. Much of our management team has recently joined us. The City Manager, Brent Hobgood, is here to share the rest of our presentation.

Hobgood: Good evening, and thank you also for the opportunity to address the Commission and everybody that's bearing the weather to come out. It's a little warm in here tonight, so I hope it's okay actually if I take my coat off now that I'm up here. The Mayor mentioned service, which I consider, our staff considers to be sort of the Ellisville calling card, if you will. The City's changed quite a bit within the last five to ten years and continues to change, not rapidly necessarily every day, but something that you'll see ... we sort of consider service to

be our calling card. A number of things regarding our demographics are in the proposal that's before you and also in our Plan of Intent. Four copies of our budget which has won the distinguished Budget Presentation GOFA Award for the last nine years, and I guess we just got the tenth one in the mail yesterday are also available for the public. I will just say that financially we are also in a very strong position. The budget is balanced. Our revenues for considerably less square mileage area are approximately \$10 million dollars across all funds. We do have adequate fund reserves and proceeding with a number of municipal projects including a recently completed park building in Bluebird Park, which we cut the ribbon on two months ago, and we've also secured financing to proceed with new public works, streets, maintenance, and equipment facilities off of Old State Road and are proceeding with that. In fact, we're about ready to go to bid on that so we are very much looking in a forward direction in regard to our physical facilities as well as our own community vision.

But getting into city services, which we think is something that is certainly a strength for our proposal, we would just like to go through some of those so everybody understands some of the economies of what we would offer a potential Ellisville resident. Within Planning and Zoning, as the Mayor mentioned, we do have very strong enforcement of code and our zoning ordinances. We have our new Planning Director, which is Ada Hood, who is helping me, is helping enforce those even ... from a code enforcement standpoint even more actively than I think has been the past history with the City. We do inspections with our own staff of dwellings upon change of ownership or occupancy. A comprehensive zoning map is in place. Our code enforcement, as I mentioned, is very active and our own woodlands preservation ordinance is also in place. I will certainly admit our charter provisions regarding land space protection are a bit different than those expressed by Wildwood earlier, but it is a key concern to us as is greenspace preservation within the City. It's asked about in regard to every development including the city core development that's being proposed by Tri-Start that you may be reading about in the paper right now.

In regard to our Police Department, we do set ourselves apart, I guess, a little bit from what you've heard earlier in that we do have our own Police Department, which is an excellent department. As far as some statistics, we do offer 2.3 residents [sic] per thousand residents which is of all those jurisdictions presenting to the Boundary Commission, the highest per capita officer rating. We also have an emergency response time average of 3.9 minutes which, as I understand, is also comparably the most desirable of all those submitting. For non-emergency response times, our average response is 4.3 minutes. Although we do have an active community and an active corridor especially along Manchester, we're able to get to any request for service quickly. Regarding our Police Department, we have 21 full-time officers. We also utilize part-time officers to gain efficiencies in service and we have three of those, and we also have a reserve officer that assists us from time to time and at special events. The Police Department is very active in the community. We have a full-time DARE officer. We also have a bike patrol, which we have just doubled, through the community including in our city parks of which we have 10. And, you know, elements of trying to interact with the youth including baseball trading cards, which I know a number of departments do; a citizen police academy, which we are just starting which from other communities I know is very successful; vacation watch program; Halloween apple program, and open house on Halloween night as well as things like car lockouts and that kind of thing. The Police Department does consider themselves to be a very high service department, and I believe that they could certainly benefit any additional areas to be included into Ellisville. The Department interacts regionally, also with St. Louis County. They do have access to the 30-man Tactical Unit and members of the CERT

Team ... actually our own CERT team that we can engage on top of the St. Louis County 30-man Tactical Unit that we have incorporated with communities to the west. We have on the ... we're participants in the St. Louis Major Case Squad with two Ellisville officers participating. We just ... to give you a few more statistics that would probably would bore typically anybody but will have ... the emphasis here is to show that we have a very active department. The Residential Patrol Unit patrolled over 9,000 miles last year, over 1,600 hours, over 476 vacation checks and made over a thousands contacts, simple contacts with residents, just in 2003. They are dispatched by St. Louis County and share the same radio frequency with Chesterfield, Eureka, and Wildwood so they do cooperate regionally with Mutual Aid so that all know what is going on, and that's been very successful. Over 10,000 radio transactions, the Police Department alone in 2003, and the distance from the geographic center of the proposed annexation area to the Ellisville Police Station is 2.4 miles, a fairly short distance. So we do believe that our Police Department stands ready to serve. We do not anticipate any initial officer increase requirements due to the annexation, but we would continue to review that over time.

Within parks, we offer a very comprehensive park program for all ages. We have 25.40 park acres per thousand residents and 56.10 acres per square mile. Those are very desirable marks compared to anybody county-wide. We do have ten parks. Some of the parks are smaller parks, but we do have ... obviously, Bluebird Park is our largest in acres overall. We have 246 acres of parks which is, actually, by any community standards in St. Louis suburban areas, very high. We have a comprehensive trail system that's almost ten miles in length in terms of linear use, multi-use trails. We also have special programs that we offer to our residents and the general public including concerts in the park, the Fourth of July celebration, which is probably West County's biggest, and several other things, camps for children, all sorts of different aspects. It's a very full-service program. We're very proud of it.

Other items that we would like to convey that offer particular value to residents and that residents of the area to be annexed or potentially annexed areas have expressed the highest interest to us about are our trash and recycling services which are offered free to residents and those take place through the city at no charge. We do similar leaf, branch chipping, and mulch collection. Pick-up programs as well as drop-off programs in Bluebird park regarding the most recent storms that had many, many trees felled. We set up special programs for that sort of thing for residents, to go out to their residence over two weeks and pick that material up and we did have many residents actually areas to the west and the proposed areas calling us and asking if we might be able to come by their residences as well to do some pickup.

Regarding our staff, we have 60 full-time staff members, but we do a lot with a little. We incorporate a lot of seasonal, part-time staff in the summer and high season for parks and grounds maintenance, we use about 100 ... up to about 100 seasonal and part-time employees. We're very aggressive on our infrastructure improvements. We've invested more than ... about one and a-half million annually since 1996. That is a lot especially considering that many of the streets such as Clarkson, Manchester, and Clayton Road are not city streets. Those are either county or state streets. It's something that the City Council is very committed to and continually commits to within its top five priority goals. We can toot our service horn a lot, but I think from our perspective what our residents say about us makes a makes the ... is most relevant. We conduct an empirical survey through a third-party every other year. Terry Jones, whom many of you probably know, Dr. Jones conducts ours. And just our most recent survey, the findings are before you. Eight-four percent of our residents of those within the sample say that things in Ellisville are going in the right direction. Our Council considers it very important to listen to those

residents and again try to cooperate in addressing St. Louis County Council regarding the McBride development and the city's wishes and support of those residents in that area. Ninety-five percent within the survey rate Ellisville as either an excellent or good place to raise a family. And getting into our services, which I just mentioned, within police service 87 percent rate our police service as either excellent or good. Trash collection, 88 percent. Recycling services, 90 percent. Street maintenance, 82 percent. Parks receive high marks at 88 percent, and snow removal, which we also perform, received, I guess, the highest at 91 percent.

Wojtkowski: You have one minute.

Hobgood: Excuse me?

Wojtkowski: You have one minute.

Hobgood: Okay. Thank you. We would like to emphasize and I know, I guess it's hard to see given the way the map worked out, that ... well, the proposals do overlap that our proposal is again a lot less than we submitted with the original map plan, and I don't think that anybody's actually had on their screen tonight the different indexes where the different proposals actually do overlap. I know you all have probably seen it, but I don't know if the staff has. That's included in your packet. We would just point out that there are some areas in common, but there are some areas that actually don't overlap at all, and it's not as though we have to be in total conflict. We like to be good neighbors. We would just ask that everybody's concerns get heard and that everybody has a chance to comment on it and let the chips fall where they may. There's some additional information in your packet including information on our comparative sales and property tax rates and our revenue sources. I thank you for your attention and will answer any questions that we can.

1st Vice Chair Spears: Thank you, sir. Mr. Ford.

Ford: I'll yield at this time.

Gelber: I'll yield too.

T. Armstrong: I have questions. I've read the Plan of Intent. I've listened to your proposal or listened to your presentation tonight. Seems to be that the root of the matter here for Ellisville is that you require that you ... you need to grow or you feel that you need to grow the city, that this proposal is one that is more about that than anything else and that you're concerned about being shut off by both Wildwood and Ballwin from the opportunity to annex other unincorporated areas to the south, and conspicuous by its absence in both the Plan of Intent and the presentation tonight are the feelings of the residents, and you all haven't addressed that issue, I don't believe, at all, but I'd like to hear from you as to what you believe the wishes of the residents of the area that you propose to annex are and what you ... and do you consider that important?

Khoury: Let me address several of those items and we may have Otto Hood speak on some of the number 'cause we did do a survey, but there is not a need for the city of Ellisville to grow just to clarify that. We did not indicate that in our presentation. It's a natural progression for us as these areas to the south are very similar to those of the city of Ellisville. We can service them very well from our location, and the fact that if we were shut out by Wildwood or Ballwin, it

is true that we would not have the opportunity to grow to the south. That is not our motivation for the annexation, however. We did survey residents, 601 residents are in the area. We received approximately 10 percent negative response. We only received a total of 17 percent response back from those residents. I've spoken to individual residents who are in favor in our parks, at the County meetings individually so there are residents there who I'm sure who are in opposition to the plan as well as those that are in favor.

T. Armstrong: You said you had 10 percent negative, 17 percent positive. Did I hear that right?

Khoury: We received a total response 17 percent.

T. Armstrong: Of that 17 ...

Khoury: Seventeen percent of our 601.

T. Armstrong: Okay.

_____: I believe it was 68 were negative.

Hobgood: I think, and Ada can correct me if I'm wrong, I believe 58 were negative and that 50 were either positive or undecided.

T. Armstrong: Thank you.

Wojtkowski: Let's talk a little bit about your Non-Urban Zoning District. What is the process in Ellisville involved in changing from, let's say, Non-Urban to R-1, R-1A, or any other land use?

Hood: The way we're proposing our zoning, we have actually adopted the County's non-urban verbatim zoning language previously under a previous annexation so we would just extend that same County Non-Urban Zoning District to all those parcels currently zoned Non-Urban.

Wojtkowski: I know what Non-Urban zoning is. My question is can you explain to me the process that one would have to go through to change zoning?

Hood: A rezoning?

Wojtkowski: Right.

Hood: The rezoning would require a public hearing at Planning and Zoning Commission. The Planning and Zoning would then need to make a recommendation to the City Council. The City Council would hold a public hearing, and 30 days after the public hearing, they could pass legislation. Obviously, some of the things that we would look at would be consistency with the comprehensive plan. Our comprehensive plan does recognize that that area is single-family residential. It doesn't call for anything more dense than single-family residential than the same County Non-Urban, which I believe is three-acre minimum.

Wojtkowski: So your ... your ... your Planning Department in the city of Ellisville ... you're in Planning, right?

Hood: Yes.

Wojtkowski: So you would make a recommendation to the Planning and Zoning Commission?

Hood: Correct.

Wojtkowski: The Planning and Zoning Commission would then act and make a recommendation to the City Council.

Hood: That is correct.

Wojtkowski: Do you have statistics that you could provide us that would identify how many times the Planning and Zoning Commission or the City Council went the other direction from the recommendation of the Planning Department?

Hobgood: We don't have those certainly with us, but it's certainly something that we could provide within just a couple of days.

Wojtkowski: Okay. Thank you.

Hobgood: I would just ask if you have a time duration over which you would like that to extend ... last five or ten years.

Wojtkowski: Sometime between now and when we act.

Hobgood: I'm not asking when you want it. I'm asking how far back do you want us to go? Say, five, ten years, or ...?

Wojtkowski: I'd like to see a ten-year ... you know, my, my ... let me explain the reason for my questions. I have a lot of respect for the professional planners that municipalities have, you know, under their employ and they typically do a good job. They do a good job in St. Louis County. They do a good job everywhere. But what gets in the way is the politics and we can perhaps get a good picture of how things ... of how that works by looking back at a little bit of history, and so if you could provide that information, I would appreciate it.

Hobgood: Certainly can.

Khoury: If I may add to that, I've been on the City Council for ten plus years and I can vaguely remember a time when we went against a recommendation of our Planning Department but if for some reason the recommendation from the Planning and Zoning Commission was unfavorable, then the City Council would have to pass it by a super majority which would be a vote a five to two. Thank you.

Kloeppel: The targeted area encompasses 600 new residents correct? And pursuant to your documents you provided to us, currently you have 2.3 police officers per 1,000 so that

number would go up, is that correct? Okay. How does your Ellisville police officers pay and benefits compare to St. Louis County?

Hobgood: I believe that they are ... I know they're certainly competitive, I'm not sure who's higher or lower off the top of my head. We had been low up to five years ago and prior, but we've been advancing them a little faster within the last couple of years and we adjusted them an additional percent and a half after I arrived there, I know, in last September.

Kloeppel: Is there a reason you wouldn't stick with your current 2.3 officers per 1,000?

Hobgood: Actually, no reason specifically. I think we'll be looking to the department for direction on adequacy and if they feel like they can adequately address all service concerns. The issue there is that how often in our subdivisions to do we get calls for service, and in talking with the active police chief, it's very rare. And I don't know that we would adjust our people power in order just to satisfy a number. That current number certainly satisfies us currently or for now and we would just certainly review it.

Kloeppel: With regards to that survey Terry Jones conducted, do you know how many residents responded to that survey?

Hobgood: I believe approximately 400. It was plus or minus 5 percent empirically relevant survey taken over the telephone.

Kloeppel: Thank you.

Bredenkoetter: I would like to ask a different question with your police ... 2.3 per person is nice, but I want to know how many police per square mile you're going to have to cover. I mean, I'd like to know ... I would like this broken down instead 2.3 per person, how many police cover square miles. In other words, you have x number of police officers, you're city's going to be x number of size, what's the average coverage? Also another thing that concerns me about your plan is it jumps back and forth across the road, and one of our missions is to kind of square things off. Could I ... why is it jumping back and forth across major roads, like where it butts up against Ballwin?

Hood: In the actual Plan of Intent document we have indicated verbally that we intend to annex all associated right-of-way. It should not jump back and forth, perhaps it's a GIS system map error, but it should not map. We intend if it's unincorporated right-of-way, we intend to include it as part of the annexation. Absolutely.

Bredenkoetter: Is this not ... I mean, are we not jumping from here to here to here to here to here to here to here, back and forth across this road?

Hood: We're including the entire road as well.

[background conversations]

Bredenkoetter: But you're going to have a little part here that's now going to be Ellisville with everything around it is Ballwin.

_____: [inaudible, too far from mike]

Bredenkoetter: Okay.

Hood: Yeah, that is correct. On those unincorporated pockets, there is one, if not two of them, that are surrounded by Ballwin on three sides; however, Ballwin has no access to them. The only access to them is off of Clarkson Road and Ballwin would need to go either through ... excuse me, Kiefer Creek. So Ballwin would need to go around through St. Louis County in order to access those properties.

Bredenkoetter: Well, and then the other thing is that it was brought up that you were not doing this to increase your growth. However, in your proposal Section 2, Plan of Intent, it specifically says that you need this to secure future growth so is it for future growth or isn't it for future growth?

Khoury: Okay, there's a bit of semantics here. We do not need as a city to annex areas to remain viable, which is what the impression that I got from the first question so I apologize if I didn't understand the question. Of course, we cannot grow without annexation. We're pretty much built out, so I don't want it to be confused that we're in a need situation because of a financial picture that we're in. Is that helpful?

Bredenkoetter: Yeah, that helps. And then the one last question. We've heard from Wildwood tonight that they have a Master Plan that incorporates this non-urban growth into their planning. I mean it's a designated zoning, and from what I hear you telling me, that is not a designated zoning within the city of Ellisville. You follow the same plan that the County follows which is, here again, the holding pattern so we could come back to the issue of dense housing, 69 houses on 68.9 acres. Is that true?

Hood: No, the city of Ellisville does have its own comprehensive plan. We did not adopt, I guess there's a couple of issues here. The city of Ellisville does have its own comprehensive plan and within its comprehensive plan, it does talk about future growth as far as annexing, and it does see that area as Non-Urban. The city of Ellisville, what I did say previously was that the city of Ellisville has adopted the zoning district, the CNU, what we call CNU, County Non-Urban Zoning District, and we do treat it as a district and we do envision that when something is zoned County Non-Urban, that it will be three-acre development, otherwise it is not compliant with the zoning ordinance and would need to either be rezoned or a variance which would be slim to none.

Hobgood: And just to get ... our Council unanimously spoke in opposition to the McBride proposal and was very strong in supporting reduced density. In fact, they wanted it reduced more than it ended getting up reduced, from 117 lots down to the 69 plus or minus, and took strong positions in cooperation with Wildwood and the residents of the unincorporated areas at that time and stated that that would be our position if it were in our city.

To follow up on your first question regarding police protection, I don't have an exact decimal, but I would say you've got six on shift during the day and roughly about four and a half square miles to that will give you an idea of the number.

Bredenkoetter: That's it.

Gelber: Would you respect McBride's project, one acre, or go to change it?

Hood: You know, part of the answer to that would be ... would be legal. I think that we are bound to honor it, and in order for it to be changed, we would have to go through the rezoning process and I'm not sure if that's your question or ... currently, under our Plan of Intent, we would accept it as it is zoned.

Gelber: What about the area south of that?

Hood: That area is zoned currently County ... excuse me, Non-Urban and so we would apply the zoning language that we've already adopted, the County Non-Urban is how we refer to it in our zoning ordinance and the minimum requirement on that would be three acres.

Gelber: Thank you.

Hobgood: You know, obviously, we can't tie the hands of future councils and talk for them how they might consider anything so that needs to be qualified, but the current council in place, I think it's safe to say and they're here, would very strongly encourage less dense zoning in that area. It would not be inclined to permit something like that to occur. I think what we were hearing earlier was the issue with frustration with some of the representation via St. Louis County from the residents in that area and I believe that on that particular issue anyway the residents would have taken the position that would have been supported by our council unanimously.

Gelber: Is your area in MSD?

Khoury: Yes.

Gelber: Metropolitan Sewer District.

Khoury: Yes.

Gelber: Is McBride's project in MSD?

Khoury: I do not ... I'm not familiar with their project enough to answer that question. I'm told it is. Just to clarify, this area that the McBride development was in, Ellisville also has three-acre lots and it surrounds this area so we believed that the McBride development should have been three acres and we believe that south of that should be three acres to make it very clear.

Gelber: Thank you.

1st Vice Chair Spears: Thank you, sir.

Bredenkoetter: Just one more question, sorry. We had from Wildwood where their ... from what I can tell of this overlap ... where people in the area that you've proposed to annex say they want to be part of Wildwood. Have you addressed their issues? Have you tried to relook at your ... I mean, I don't know if you can alter your plan, you know, because we have a pretty

strong sentiment here that, you know, I'm confused as to where these people are from that want to be part of Ellisville. That's where ...

Hobgood: From our survey anyway, we can provide a map with data that shows where the supportive for Ellisville residents were. We tried to communicate. I know some of our Council members and in speaking with some of the residents from these subdivisions, where it was expressed to us most strongly that residents wanted to be in Wildwood and it seemed to be unanimous. You know, I think we've honored that and not tried to get in areas that we thought there was no desire to be in the community. We've only gone into areas where we thought there was interest, and we can give you some of that data in the form of a visual representation.

1st Vice Chair Spears: Thank you.

Khoury: If I may qualify that question, just one little bit more because Wildwood is maybe contiguous to that area, but they will need to go through the city of Ellisville to provide service from my understanding of how the roads are so that's a consideration I think should be understood and why we believe that Ellisville's best prepared to provide city service to that area. We do respect the residents' wishes there, but I mean that's a decision that you'll need to understand and make:

Bredenkoetter: St. Paul Road ... St. Paul Road ... St. Paul Road doesn't go through to that area?

Khoury: Well, they would need to either come through Ellisville or St. Clair County ... or St. Louis County, I'm sorry. It's convenient ...

Bredenkoetter: Okay. If they're not successful ... okay.

Khoury: It's not a convenient way to provide services in terms of emergency services in my opinion. Thank you.

1st Vice Chair Spears: Thank you. St. Louis County. Mr. Powers. You have five minutes.

T. Armstrong: Two in one night.

Wojtkowski: You have three minutes.

Powers: Thank you. I'm going to skip the slide presentation.

Bredenkoetter: Thank you.

Powers: I appreciate the very positive presentations by both Wildwood and Ellisville tonight. They're both excellent service providers, but so is St. Louis County. Rather than go through everything we do again, I think you're familiar ... we're a high quality local service provider. We have many programs. You know, our police and other protections are rated the best. So I just want to move on from that.

This particular area is larger than the Wildwood proposal. I resisted having a recommendation on that one. I think it's only fair to listen to the competing proposals; however, there are aspects

of this ... this particular one that seem less logical to me than the Wildwood proposal. The area that we're talking about actually doesn't include a significant amount of subdivision development so at ... on one hand, I guess, Ellisville would oppose the zoning on the McBride parcel, but on the other hand, they seem all too happy to annex a lot of similarly zoned property down along Kiefer Creek Road. The population is higher here as a result of subdivision development. Our property maintenance citations ... we had 64 in the last year, so we do have some activity in the area, although it is a relatively new area of subdivision development. We talked a lot about crime or police coverage, things like that. I'm not as prepared to give statistics tonight on what the County densities are, but it is a low crime area, a very low crime area. I don't know that, you know, that should be as big an issue as it is in perhaps other parts of the County. As with Wildwood, Ellisville contracts for many services from St. Louis County, not police though. There are some additional services such as trash, but it's not free. Nothing is free, at least not the last time I looked. There are slightly higher tax rates to be paid in Ellisville and that's what pays for those services. Because there is a higher population, we estimate the revenues lost to the County to be \$169,000, a little above that. That's significant. It seems to be a proposal that is initiated more by Wildwood actions than it is by any compelling interest on the part of the residents to become part of Ellisville, and in view of what I think is our provision of equivalent services, I don't quite see the logic of it. One thing we haven't talked about is the shape of the proposal and the contiguity. There are some pockets that would make sense if those were picked up by Ellisville, but those were pockets created by previous piecemeal annexation actions by Ellisville, and if those pockets didn't exist, I've got to wonder whether they'd even have the 15 percent contiguity. It's really, it's an odd shape that extends in a southeast direction from the current city limits and so I guess you have to look at that when you are comparing it to other proposals.

I did mention that much of the area is zoned R-1, R-1A. Those are not high density areas. R-1 is one acre zoning. The McBride proposal of R-1 zoning is going to result in six- to eight-hundred thousand dollar homes, you know, that is not ... that's [background conversations]. Yeah. I'm going to resist turning this into a referendum on a particular zoning which has already happened and which any annexing jurisdiction would have to honor, but I do think that it was a good proposal. It made sense. It fit into a pattern of development in the area. I respect the opinions of others who live along St. Paul Road or in Ellisville who think otherwise. I've talked with many of them at length, and I think we ... there is a mutual respect there, and I appreciate their tolerance of my position on those things. But it's one thing to have Wildwood say they would have zoned it Non-Urban. It's something else for me, at least, to hear that coming from Ellisville. I can't help but feel that their appearance at our hearings was a little bit opportunistic. I haven't appeared before an Ellisville public hearing on a zoning before to protest or make comment, and I never will. We all have tough zoning decisions, I don't care what city we're talking about. All you have to do is pick up the *Suburban Journal* and read. Unfortunately, the County is kind of in this position where people can add secondary comments.

I have no final recommendation. You know, we're going to hold to see what Ballwin has to say next week, but I do have some problems with this proposal not only from its physical shape, the interest that's being shown in it, but again, you know, it's larger. It's the kind of thing we have to talk about that hurts the County's to ... hurts the County's ability out into the future to provide contract services to municipalities and serve in a good manner unincorporated residents. So I'll be happy to answer any questions.

1st Vice Chair Spears: Thank you, Mr. Powers.

Bredenkoetter: Mr. Powers, let's talk about these contract services. We go through this every meeting. Contract services through the County are contracted and the County recovers all of its costs from those services, does it not?

Powers: Yes.

Bredenkoetter: Okay, so saying that this is going to affect contracting services from the County, how is it going to affect contract services from the County if those contracts recover all their costs?

Powers: If we are ... it doesn't if we assume that we're going to pick up contract services for every area that gets annexed, but when the size of the area that we serve is reduced, it increases, sooner or later, the cost of providing those services. We can't do it as efficiently.

Bredenkoetter: So that means that County Police officers instead of maybe being County Police officers might go be a municipal police officer, correct?

Powers: They could.

Bredenkoetter: So if the County is reducing, it just means that it's no longer in the municipal business and it's more into the county business?

Powers: Well, we're in both, but, yes.

Bredenkoetter: Well, I know but ...

Powers: That's ... ultimately, if the County has no unincorporated area, there would have to be some sort of adjustment in ...

Bredenkoetter: Right.

Powers: ... tax distribution to support County services ...

Bredenkoetter: And then St. Louis County would go back to like every other county in the state of Missouri and provide county services and not municipal services?

Powers: Well, most counties in the state of Missouri are rural and by percentage are largely unincorporated.

Bredenkoetter: Well, I'm just saying they would go back and provide those services that the state legislature says are county services, not municipal services any longer. Thank you.

Powers: Yes, 'mam.

Kloeppel: No questions.

Marver: No questions.

Spears: I have no question.

Wojtkowski: Thank you for not using your full 15 minutes.

Powers: I'm ready to go.

T. Armstrong: You get a pass on this one, Glenn.

Gelber: Pass.

Ford: Nothing at this time.

1st Vice Chair Spears: Thank you, Mr. Powers.

Powers: All right. Thank you.

1st Vice Chair Spears: Next, we'll move into the public comments. [background conversations]

Hamilton: [inaudible] We've got some blank pieces of paper here if you want to sign one because we did run out. You want to give them a couple of minutes?

Marver: Yes.

1st Vice Chair Spears: If anyone hasn't signed the sheet ... we ran out, come up and sign the sheet and we'll honor it.

[Break]

1st Vice Chair Spears: Okay, we'll go ahead and get started. I will call the name for one speaker. As he's speaking, I will call the next speaker to be in line and ready. The first speaker will be Michael Berry. Following Mr. Berry will be Jim Hostler.

Berry: Commission members and Mr. Chairman, thank you for the opportunity to speak. My name is Mike Berry. I live at 830 Timber Glen Lane in the Forest Ridge Trails subdivision, which is the easternmost subdivision in the Ellisville annexation plan. I also want to thank the folks from Ellisville for a fine presentation. And it looks like they have a great community. However, that doesn't change the fact that our family, my wife and my three kids ... the school district that we're in when my kids go to school will be Woerther, which is in Ballwin. We attend church at Holy Infant, which is in Ballwin. And we shop for groceries at the Schnucks in Ballwin, and our favorite Mexican restaurant is in Ballwin. And so what I ... I guess what I'm saying is I know from what you've said, I know you have a terrific neighborhood, but it's not our neighborhood, and so therefore I can't support the Ellisville annexation. Thank you.

Hostler: Good evening, my name is Jim Hostler, and I live ... I own property at 416 Kiefer Creek. It's the pocket, the one directly south of Ellisville's border on Kiefer Creek on the Ballwin side. I'm surrounded by Ballwin on two sides and Ellisville to the north. I'm on the east side of Kiefer. And my understanding is ... there's just a couple of things I want to address. Number one, my understanding ... I approached the city of Ellisville. I was never approached by

the city of Ellisville. I went to them, ask for clarification. My understanding is ... and when I originally purchased this property, which I intend to build my family home on, I inquired of the city of Ellisville back in early 2000 about possible annexation of my property, and at that time City Hall expressed to me that they had no interest. And after speaking with Miss Hood, she indicated to me that perhaps they still didn't have an interest, but the Boundary Commission had asked them to clean up these pockets. Now that's ... that's the information that I've been given to date, and I would like to have from this Boundary Commission any clarification that they could give me, but I'm not in a situation of which it would benefit me to pay more tax dollars to carry my trash down the hill out to the curb, okay? That doesn't ... that doesn't appeal to me. The second thing is ... is I think the Mayor said there would be no additional encumbrances on my property. My property is zoned R-1 which would allow, based on the zoning, for one-acre lots. It's a three-acre piece, but in St. Louis County, my presentation that I could potentially subdivide it and put two houses on it, okay? Ellisville has indicated to me that if they were to annex me before I were to subdivide that, I would not be able to have a cross access, one drive as it is developed right now, okay? And the grading's completed, the rough grading for one access drive to these two lots. They would require me to put in full a city street access to access my house and one other lot on this property of which would basically kill this deal for me. So it would be a great encumbrance on me and I would strongly oppose this and would greatly like to have some clarification on this issue of whose idea is it really to annex me. I think that that's important because if they don't want me, certainly that's okay. I'm happy to exist as I am. I'm satisfied with St. Louis County services and Kiefer Creek is a ...

Wojtkowski: Time.

Hostler: ... St. Louis County Road. Thank you.

1st Vice Chair Spears: Thank you. David Robinson and Scott Gerner to follow.

Robinson: Thank you. My name is Dave Robinson. I'm a trustee in Forest Ridge Trails subdivision. We're one of the areas that is not part of the Wildwood plan, and I think that's an important distinction because there are two distinct camps of people here tonight. So my comments address those of us that are not part of the Wildwood proposal. First of all, I've got to say that the County has provided us excellent services in the ten years that I've been in our neighborhood. I certainly don't expect that to change. I think the key issue for the Commission to decide is that, unlike the Wildwood process, this process is being driven by the municipalities of Ballwin and Ellisville. I think I speak for a lot of the residents in the areas that are already built up that we ... this is something that's kind of crawled out of the woodwork in the last couple of weeks. We're very unsure of the process. We would like more clarification on that. I think very important note in regards to the presentation from Ellisville was that they only got a 17 percent response rate from the survey that they sent out. I think that's hardly representative to base a decision as to whether the residents of the area would be in favor or not in favor of such an annexation. So the key point is we've not had time to review this. I think that we need a lot more information. We need a lot more time, you know, this is not a decision that we would like you all to rush on, and I know that you won't, but please take that into consideration. Thank you.

Garner: My name is Scott Garner. I live at 986 Timber Glen Lane. I'm part of that subdivision, and Dave pretty much stole my thunder. And I don't want to repeat everything he said, but primarily all of a sudden we get a card in the mail that says that we want to be annexed. Nobody contacted us. We don't even know what the process is. And all of a sudden,

we're here, still don't know what the process is. I would appreciate it if somebody would have started out with telling us this is the process, this is how it works. We're still not sure. We're still talking amongst ourselves hearing how we think it works from another person, which maybe or maybe not knows. Right now, I agree with Dave in that we really would like for you guys to just hold off. You know, we are unorganized. We're not like the Wildwood people that came to Wildwood and asked to be annexed. We didn't go to anybody to be annexed. We would just like the time to sort this out and maybe we just want to stay where we're at. We weren't given that option and I think we should. The only comment I do have to make about St. Louis County is that I would like to have my government not mind the deer and also the people who are going to be making those decisions for us, you know, know how to pronounce the names of the streets that we live in. You know, it would be nice if the people that lived all the way up north ... I mean, St. Louis is a big area. You chose the places you chose to live for whatever reason. We chose where we want to live for our reasons, and we would like to have that opportunity to make those decisions and not by somebody else. Thank you.

1st Vice Chair Spears: Next be Nancy Battery, ...

Battersby: Close

1st Vice Chair Spears: Sorry about that, and Ed Troutman following.

Battersby: Hi, my name is Nancy Battersby. I live at 966 Sheffield Forest Court. Although my neighborhood is not necessarily, doesn't seem to be impacted by the Ellisville annexation proposal, it does impact us indirectly in that pieces of property on my way down to Kiefer Creek are part of their proposal and so that does have an impact on me. I had three things I wanted to comment upon. One of them is I think that there might be a possible misconception that I wanted to correct. Also want to talk about safety, and I want to talk about locally responsive government.

So the first thing, when I was listening to earlier comments, I think the Commission may have gathered how angry a group of us were about the recent rezoning of that McBride development, but I wanted to make sure that you didn't misunderstand and think that our motivation for wanting to be annexed had something to do with trying to re-annex that back. We know that's not possible, you know, the milk's been spilt on that one much as we're sorry about it, we know there's not much that can be done. What we're trying to do is prevent it from happening again. There's a handful of large acreage properties between Kiefer Creek and St. Paul's intersection and the St. Paul and Ridge Road intersection. In fact, there's an 80-acre tract that adjoins the McBride development that we feel is at particular risk of maybe being overdeveloped as well and so we're ... our motive is that we want to make sure that there's not ... that the County Council doesn't go and decide that another developer's wishes are more valid than ours in respect to that piece of property and we end up with a couple hundred houses on that acreage. We keep hearing promises that "No, beyond this ridge line it will always be NU," but when I moved into St. Paul ... into Sheffield Forest three years ago, I was told the whole area was going to stay NU and look what happened with that.

Safety, if you've driven through the St. Paul Road area, you've not only seen it's natural beauty, but you've seen the size and nature of St. Paul Road itself. Our interest in being annexed by Wildwood is motivated by ensuring that the traffic along this road remains at appropriate levels. That road is so narrow ... if you haven't driven it, you need to ... the road is so narrow it can't

have a center line. And it narrows to one lane between a house and that house's outbuilding where only one car at a time can go through, and there've been numerous intersections where people hit that house's railroad tie retaining wall that protects the house from the road, the house is so close to the road. You can't put hundreds more houses on that road. That's just not possible. It's not safe. I've driven off the road numerous times by school buses and large vehicles ...

Wojtkowski: I'm sorry, but your time is up.

Battersby: Okay. I'm sorry. Thank you very much.

1st Vice Chair Spears: Thank you.

Troutman: Hi, my name is Ed Troutman, 724 Old Kiefer Creek. I'm on the upper end, upper east end of the annexation proposed by Ellisville. Ellisville's a good city. Ballwin's a good city. Wildwood's a great city. We're happy with unincorporated St. Louis County. Unincorporated St. Louis County has made some terrible decisions some of which is by deception by some builders. Ellisville has made some bad decisions on properties that they've approved also on Kiefer Creek that do not fit with the other houses around. So it's kind of like the lesser of two evils, no offense to any of them, lesser of three evils because I have a lot of respect for the men who work for them and the decisions they have to make. I know it's very difficult. I do believe that it's hard in your position to know what decision to make because you have, for example, you have a builder telling you he's got 69 homes going on one-acre lots with 33-acres of greenspace. You know, that's some pretty complicated math when you sit down and figure it out. The houses are on quarter-acre lots, but they're zoned one acre so I know it's very complicated, and I feel sorry for you because you have to make this decision or this recommendation, but as far as me, I see these pockets and I wonder how these people got these pockets because if the transition is made, I would rather be one of those pockets that's left out. About seven years ago, I bought eight acres there and, you know, I have every amount of wildlife you can imagine now, especially with the property being totally devastated across from us there so I'd like to keep it that way as much as possible. And I'm against it, so thank you. And by the way, no disrespect to the police and fire department, I work in Ellisville also, and they are incredible police and fire department. The response time is as they said. Less than five minutes any time you call them so hat's off to those guys.

1st Vice Chair Spears: Thank you. Pedro Surez and Lois ...

[end of side A]

[start of side B]

Suarez: ... yeah, between Ballwin and Ellisville, and all of a sudden we get this card in the mail that says, you know, "Do you want to be annexed by Ellisville?" And we're wondering, you know, what is the process for this, how long does it take, who decides, is it a board that decides, do we vote on it, and what do we have to do to voice our opinion and make ourselves heard because, you know, we have three choices. We always hear about Ellisville and Ballwin, but you also ... we may want to stay unincorporated, and we want to know things like tax rate, you know, does it go up, stay the same, values of our homes, does that go up or down with, you know, stay in the County or stay in Ellisville or Ballwin. These are all things and concerns that

we have, and I don't know what time frame you're looking at for all this annexation business, but we need to find out what time we're talking about and we need time to figure this out because I don't want to make a hasty decision and make the wrong decision. Thank you.

1st Vice Chair Spears: Mark Duecker to follow.

Donaldson: Hi. I'm Lois Donaldson at 652 Kiefer Creek. Our house is on the east side of Kiefer Creek where they're doing quite a bit of the road construction, St. Louis County. And at this point I'm not sure whether I'm for or against annexation either by Ellisville or Ballwin because I'm not sure of the process, but I have a couple of concerns that I'd like addressed, and one is if the County ... the County has a commitment to take care of the road construction that's going on now, and I would assume that whoever is annexing these properties would also go along with whatever agreements has been agreed with St. Louis County, but what about the home owners who may be like on wells or septic systems? We have a three-acre parcel of ground and if our property is annexed are we going to be required to make those types of upgrades. What about sidewalks? I mean that would be extremely cost prohibitive for us to have to do, and I don't have any idea whether those are something that a city annexing a piece of property would require a home owners and those are my major concerns at this time. Thank you very much.

1st Vice Chair Spears: Thank you.

Duecker: My name is Mark Duecker. I also live in Forest Ridge Trails. I thank the council for their time. Listening to Mr. Powers this evening, I think the map is somewhat clear. Listening to the figures, under the Wildwood proposal there was a loss of approximately \$39,000 in revenue. Under the Ellisville, there was a revenue loss of \$169,000. To me that's \$130,000 swing. Our group of subdivisions of residences ... that represents a sizeable amount of dollars, and I can see why Ellisville would want to take us. I can also see why Ballwin would want to take us. I think it'd be interesting if Wildwood could modify their plan and make it an equal playing field. Put all the plans the same. But at this point, I think the majority of the subdivision, I'm just speaking for myself, we'd rather just be left alone. We have a nice pocket. We enjoy the services. We didn't ask for anything. We're very low maintenance, very low crime. I think the choice is probably just to be left alone at this point. Thank you.

1st Vice Chair Spears: Larry Rice and T. F. Kune [sounds like – no sheet] to follow.

Rice: My name is Larry Rice. I also live in Forest Ridge. I don't think anybody here officially speaks for the neighborhood. Pedro Suarez has said exactly what I wanted to say and if I could get him to write it up, I think we can get an awful lot of signatures to support that. Thank you.

1st Vice Chair Spears: Jeff K-h-o-r-y.

Khoury: Jeff Khoury. Thank you. I just wanted to respond to a couple of comments. I understand that there ... from hearing some people that they feel they are being forced to make a decision, an uninformed decision at that, and we ... the city of Ellisville certainly does not support that. You would have an opportunity to meet with us in open meetings. After the decision would be made if it was made that you were allowed to vote on an annexation. It would

be your decision. You would not be forced to become a part of the City if you do not want to become a part of.

The reference to the low response rate on our survey. Surveys are a difficult thing to judge. Seventeen percent response rate is a low rate. City Council took that to believe ... we took that to understand that there was not a strong opposition. Typically when people are in opposition to something, they will speak up and they'll speak up very loudly. Seventeen percent response rate of which about half of them were negative did not indicate to us that there was strong opposition.

And finally, in response to the comment about my appearance at the County Council meeting regarding the McBride development, in that instance I responded to my residents' requests who felt that the County Council was not being responsive to them, and I stood up and spoke in support of them, so I'm sorry if that offends anybody. I believe that's part of my job description, representing the residents, and I would do that again if I needed to do that so. Thank you for your time.

1st Vice Chair Spears: John Stoeffler and Rich Housmann to follow.

Stoeffler: Ladies and gentlemen. Thank you. Appreciate the opportunity to be here this evening and for your attention. I want to compliment the Commission here on their intelligent questions because there were some very, very good ones that were posed here today. Mr. Armstrong, I was very pleased, I believe you were the one who asked "Why do you want all these people?" And my question is ... I feel like a gal on a date whose been asked out by somebody I don't know who then tells me everything about them, and I have no desire to ever go out with them again.

Now one of the things that always disturbs me because I was in an annexation situation when I lived in Manchester, and one thing that absolutely galled me and this was again brought up by one of the more astute members of your panel here, when one of the gentlemen **here** said, "Our trash pickup is free." There ain't no such thing as free, and I thank you for pointing that out. We hear enough of that out of Washington, D.C. We don't need to hear it locally. And I am very pleased to hear a number of people here who also don't support this proposal by Ellisville for annexation, and I would second that. And I thank you for your attention, and I appreciate your support for that position.

Hansmann: Good evening, committee members. My name is Rich Hansmann. I live at 756 St. Paul Road. I hadn't planned on talking tonight, but I do feel I should respond to a couple of comments that were made. Myself and another gentleman took up all the petitions from the intersection of St. Paul and Kiefer Creek all the way down to the south end of the proposed annexation by Ellisville, and I can't ... I'll be honest with you, that map is somewhat vague to me, but I feel comfortable in saying that there's at the most one house that did not petition to go to Wildwood and I think it might actually be 100 percent. It would appear to me that ... at least a cynic could deduce that possibly the city of Ellisville tried to lump in a large geographic area with few residences into a much larger block and try to annex them as a whole and pick up a whole lot of additional space. We have nothing against Ellisville. We appreciate their support in our battles against McBride. We think very highly of them. Truth of the matter is though, and I speak 100% for the residences on St. Paul when I say we have lost confidence in St. Louis County after what they did to us, and all you have to do is drive up and down Kiefer Creek from the

intersection of St. Paul and Kiefer Creek to Manchester Road to see what Ellisville has done, and somehow we come away with the feeling there might be hollow promises. Thank you.

1st Vice Chair Spears: Keith Hubbard and Nick Hubbuck to follow.

Hubbard: Members of the Commission, my name Keith Hubbard. I'm at 1016 St. Paul Run. I've already spoken to you tonight, and I appreciate your patience with me being up here again, but I just wanted to make sure that everybody understood that almost all of us on St. Paul Road are adamantly opposed to an Ellisville annexation. It troubles me greatly to hear the Planning Department from Ellisville admit that they have adopted the standards of St. Louis County as far as Non-Urban zoning is concerned. St. Louis County has demonstrated in spades that they have complete disregard for the constituents of that area. And for Ellisville to throw in with that is, in my mind, a bad mistake. We are adamantly opposed to an Ellisville annexation. Thank you.

1st Vice Chair Spears: Thank you. Mel Keith will follow.

Hubbuck: My name is Nick Hubbuck. I live at 16404 Sheffield View Court. What I really want to do is echo everything that has been said by the people on St. Paul Road. That's the reason that I've stayed here. I also want to pick up on what Nancy Batterbusy, excuse me, Nancy Battersby was saying in regards to safety on St. Paul Road. If you all have not driven that road, I would ask you to please drive down St. Paul Road. Take a look at it. The road cannot be brought up to St. Louis County standards. Ellisville, if they were going to annex any of this, you have to ask them the question, "How are you going to maintain that road?" What do we have out there? We've got a Norman Rockwell-like environment. We bought into that and that's what we wanted to keep. We were sold down the creek by St. Louis County, and the bottom line is ... and I think you all have to take a look at this and, as I said earlier, I hate to, you know, repeat but please put yourself in our position as being a resident and take a look at the McBride subdivision. We all know 69 homes are going to be there. We never in our wildest dreams would have asked for that to be rezoned after that was done. However, I think you have to take a look and say it's contiguously surrounded by three-acre property. How did that ever get rezoned? You can't do something like that, and that's what our major complaint is, you know. I appreciate your time this evening especially in this hot room, and I appreciate your putting up with me. Thank ... and you all have asked some excellent questions, and I'm sure everyone in here appreciated it. Thank you.

Keith: My name's Mel Keith. I moved out of Ballwin to move out on three acres on St. Paul Road. Shortly after that, McBride started building a subdivision. I'm also a ReMax agent here in St. Louis West County, and I'll be telling you right now, my own opinion is take a look at days on market, ladies and gentlemen, because it's not real good. There is a not a need for another subdivision anywhere out here in West County right now until some of the used housing market catches up to where we are. These builders are building so fast that they're leaving houses with 60, 90, 120 days on market, and it's going to kill our market in real estate. We don't need it.

1st Vice Chair Spears: Ted Surgant. [background conversation]. Thank you. This concludes our public comments. You still can forward your comments or your concerns to the Boundary Commission office at 168 N. Meramec Street if you want to do some follow-up. This

concludes our public hearing. I thank everyone for taking the time out to come in. We appreciate your comments.

Ford: Johnnie. I would like to add ...[recording ends]

Approved: November 16, 2004