

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

**TRANSCRIPT OF MAP PLAN PUBLIC HEARING
FENTON, SUNSET HILLS & ST. LOUIS COUNTY**

October 24, 2006

COMMISSION ATTENDANCE:

| Commissioners | Present (P)/Absent (A) |
|-------------------------|------------------------|
| Matt Armstrong | P |
| Ted Armstrong | A |
| Christine Bredenkoetter | P |
| Bob Ford | P |
| Frank Kenney | A |
| Greg Kloepfel | P |
| Mary Schuman | P |
| John Schuster | A |
| Johnnie Spears | P |
| Edward Thibeault | P |
| Don Wojtkowski | A |

OTHERS PRESENT:

Michelle Dougherty, Executive Director
David Hamilton, Legal Counsel

CALL TO ORDER

(Due to a technical issue with the recording equipment at this hearing, this transcript is presented in two ways: minutes or summary of the proceedings until where the recording equipment is working again, then, the actual transcript.)

Minutes of October 24, 2006 Public Hearing

The meeting started at 7:05 p.m. Chairman Armstrong welcomed everyone to the public hearing for the map plans of Fenton, Sunset Hills and St. Louis County. Chairman Armstrong then read the following information about the Boundary Commission: "Tonight's informational public hearing provides an opportunity for municipalities and St. Louis County to explain submitted map plans. Public comment should be directed toward the map plans discussed tonight. The Commission's staff is available to answer questions about the Commission process before or after the hearing.

The Boundary Commission is an independent government body that reviews boundary change proposals in St. Louis County. The Commission's authority derives from state statutes and St. Louis County ordinance. Eleven members serve on the Commission,

with two staff members: an executive director and legal counsel. The Boundary Commission meets monthly. Public hearings are scheduled to consider map plan and boundary change proposals.

Map Plan Stage

Generally, the Boundary Commission process has two stages: the map plan stage and the proposal stage. Map Plans had to be submitted by July 1, 2006. The maps show where a municipality may propose an annexation or where St. Louis County may propose an “established unincorporated area” during the following five years. (An “established unincorporated area” is a proposal submitted by St. Louis County to have an area remain unincorporated through December 31, 2011) Informational public hearings (such as the one tonight) are held for submitting entities to provide information to the Commission and public about the basis of map plans and possible future proposals. The Commission will take public comment at the hearing and in writing until December 31, 2006.

Between January and April 1, 2007, the Commission may comment on map plans and encourage negotiation between parties engaged in competing map plans. On April 15, 2007, the map plan boundaries are set. Only submitting entities can revise map plans. Map plan areas cannot be expanded beyond original boundaries submitted by July 1, 2006.

Proposal Stage

Actual boundary change proposals may be submitted beginning April 15, 2007. Once annexation/established unincorporated area proposals are submitted, the Commission is required to hold another public hearing(s) regarding the proposal. Ultimately, Commission will vote on proposals. If the Commission approves an annexation proposal, it goes to the voters where, assuming the area has residents, there is a vote both in the unincorporated area and the municipality proposing the annexation. The measure must be approved by a majority in both the municipality and unincorporated area to be approved. If the Commission approves an established unincorporated area proposal and if a majority of voters in the area approve the proposal it will remain unincorporated through December 31, 2011. When a majority of Commissioners deny a proposal, the proposal is not eligible for consideration by the voters.”

The City of Fenton was the first presenter and its Mayor, Dennis Hancock, made the presentation. The property at issue is at the northeast corner of the City and includes the Busch Soccer Park and Buder Park. It's bounded on two sides by the City of Fenton and the Meramec River and includes six residences. Maritz was included at the request of Maritz Corporation. The area also includes land at the intersection of Bowles and 141 that includes property owned by SSM St. Clair Hospital. The Mayor said inclusion of this property makes sense because when 141 is relocated the boundary shifted so this would take in Walgreen's, Sanford Brown, and the hospital. That concluded the Mayor's presentation.

Commissioner Edward Thibeault asked whether Valley Park had any design on the Maritz property. Commissioner Greg Kloeppe asked whether anyone had spoken to the residents and the Mayor responded that they had not. Commissioner Schuman asked why a subdivision in the area was not included. The Mayor responded that the City currently

provides substantial benefits valued at approximately \$1,500.00 per year and can't afford to include those residents without more income.

ACTUAL TRANSCRIPT BEGINS HERE:

JONES: ... this evening if there were any reason to ask him questions. As you probably know, Sunset Hills has the ability to provide all of the facilities to the ones of the areas that they want to annex. The plan that has been filed is very similar to the plan that was filed five years ago. It's slightly larger, but not much. It goes basically from Eddie & Park at Sappington and then over to Baptist Church Road and down 21 to the Meramec and back up along the Sunset Hills border. We have four areas. The reason there are four areas in there is when we studied it five years ago, we asked the department heads ... that's police, administration, department of public works, and parks to run an analysis of each of four different areas and we could then decide whether we wanted to put it in the plat back in 2001 or the plan. And they all came back and reported that while this was not a big moneymaker, it could be handled with the city budget and that it was worthwhile and it was not going to be a terrible drain or anything like that so we put all four on the plan back in 2001.

When I appeared before this group at that time, I told you that we had had eight annexations up to that date and that they were all basically resident-driven except for one, the small area of Meacham Park was driven by the Boundary Commission, your predecessors before it was held invalid by the Supreme Court, and we annexed that. The rest were either under the Sawyer Act when there was no Boundary Commission by filing a lawsuit or they were in front of this Boundary Commission or there were one or two that were 100 percent. We had a couple of small subdivisions where ... like eight people ... they all signed off and we went ahead and annexed. So we've had a lot of experience with annexations.

The reason we filed the same plan again, as the Chairman has said, we've had a lot of people that talked to the mayor and talked to the aldermen and say, "What do we have to do to get in Sunset Hills?" Of course, you may never see them again for three months after they asked that, but we felt that if we didn't file the same plan that if someone came in two years and said, "I've finally got all my neighbors and we want to get in," and then we'd have to say, "I'm sorry, you got to wait until 2011." So basically what we've done is looked at the same plan, decided that we didn't want to land lock ourselves and we also wanted to keep the area open for persons who have expressed interest but maybe haven't reached that point where they can get an neighborhood association or a number of people together to go ahead and approach the City.

I know when you sent the letter out you asked that we respond to eight bullet points, and I'd like to do that because I think I can respond very easily. I'd like to go to the last one first which asks has anyone expressed interest. The subdivision of Notting Hill, which has 188 units and is at Sappington and Kennerly Road, has expressed a great deal of interest. They've asked, you know, "Is there a way to do this?" and, you know, you're not going to get a hundred percent. You get 75 percent of the voters under the present statute. Whether we'd get that or not, I don't know, but I think to a great extent that's the one

area that has not only expressed interest to the mayor and board but has also said in effect, you know, when we get started on this, tell us what to do, and I think there's a good possibility that they will want to be brought into the City. They're contiguous, of course. They're on the west, south, whichever way you think you're going when you're going down towards the Meramec, south probably, and that gets us back to the other questions.

And the reason I took that one first is the first one, what was our criteria ... basically, lot size, residential interest because if you don't have the residents' interest there's no sense in doing it because if they vote no, you've wasted our time, your time, everybody else's time. You know, the contiguity and the compatibility of these areas are there and they were in the 2001 and while we had some problems with, I think it's Jim Booer [sp?], who's now unfortunately dead, from Sappington who wanted to set up his own city. We haven't had a lot of people coming forward and saying we don't want to be a part of a city. There's not a lot right now that have stood in line to file a petition, but that's why we picked, and that's the category because if you look at the map, and if you look at the map of Sunset Hills, the lot sizes in the areas we've picked are very similar to the lot sizes in Sunset Hills. Some are one acre, some are half acre, some are even smaller. The typography is very much the same, and that's where we picked it to go with.

The second bullet point asked about phasing, and the answer is yes, but the only phasing we would think about at the moment is Notting Hill if they're ready to go, we would probably start as soon as we hit April 15, 2007. The others we would probably phase as we got people that were interested and it looked like we had a possibility of annexing them.

The third question is. "Is it important for the City...." Oh, I'm sorry. "Do you have a timetable?" The answer to that is no. As I said we would probably start with Notting Hill as soon as it's available, assuming they still want to come in, but other than that, the timetable would depend a lot on the mayor and board sitting down and deciding if they have the interest in a certain area of people that wanted to go forward.

The fourth one says, "Why are we the best ones to implement the various components of the Map Plan?" And I think it's a two-fold situation. One, you know, you look at it if another 20 years goes by, the City is going to grow. It's got 8,200 people now, and we may need some ground to help grow. Secondly, the people that live there may decide that they want the city services which are full term, as I said, with the police, zoning, street department, et cetera. And that's really the answer. It all goes back to where we were before, that we filed the plan and we want to help the people if they want to come in Sunset Hills.

Again, the next two bullet points are much the same. "Why are we the best city?" We're the only city in that area. Crestwood did not file this time. The two areas we overlapped with Crestwood last time, which are basically are across from Lindbergh High School and up around the Eddie & Park/Sappington area, Crestwood did not file. I have to admit I have some friends there who said, "We love you, Bob, but we don't want to be anywhere." They probably told the mayor of Crestwood or the city the same thing, "We

love you, whatever your name is, but we don't want to be anywhere either." So we realize that those are areas that no one may want to come into the city, but if they do we want to be able to take them because of most of the children that go to public schools in the areas we're looking at annexation and in the city go to Lindbergh High School or else they go to Oakville High School. So that's one of the reasons that we have that.

Again, what are the arguments? The arguments are basically, "Look, we have a new complex of three buildings. We have 25 police officers with the chief. We have a full staff of building people who can go out and do public works. We have a director of public works, we have a city clerk that runs a five-person office, and we have a very active new parks director that's got us a couple of grants. We're about to buy another park, and we bought one about a month ... a year ago, I'm sorry. I misspoke. We should have closed the other one a month ago, but we're not quite closed yet.

So we think what we can do is we can say to people when they come to Sunset Hills and say, "You know, is there a possibility we can get in Sunset Hills?" We can say, "Yes, but, you know, you have to really want to get in there because it's going to take your time, it's going to take our time, and it's going to take the Boundary Commission to listen to this proposal, and if you don't think you can get the votes, we won't want to do it." Or if it's small enough, if you don't think you can get 75 percent of the registered voters, we don't want to do it. On the other hand, we realize that Sunset Hills was much smaller when I got out of law school and started representing them 50 years ago, and it's gotten bigger. We've assimilated people well. Of the eight aldermen now, three are from the annexed areas; one is either from an annexed area or lives a couple of hundred feet out of it. We've had two or three aldermen before who are no longer serving from the annexed areas. They've served on boards and commissions. I haven't heard anybody come up and say "I wish I had never gotten in Sunset Hills." So to that extent, we've assimilated them well. They fit in well. We've taken care of the zoning. We've always told the Boundary Commission, as we are required to in the Plan of Intent, we'll make sure the zoning stays the same when they come in. We might change it later, but at least it's going to come in the way it is in St. Louis County. So I think we've kept faith with everyone, and I think if you talk to people who are in the prior annexations, they would say, "It worked out well. We got what we thought we were going to get."

I don't have a lot more. I'll certainly try and answer any questions but, as I said, it's very much the same plan. It'll probably be resident-driven again because if people don't want to be in Sunset Hills no matter how much you want them, there isn't anyway to force them and there's no point fighting that battle because that is just a terrible burden for everyone. As I said, I can answer ... well, I hope I can answer any questions you ask me.

CHAIRMAN ARMSTRONG: All right. Thank you, Mr. Jones. Bob, do you have any questions?

FORD: I think he answered all my questions with his presentation.

CHAIRMAN ARMSTRONG: All right. Johnny?

SPEARS: No questions, Mr. Chairman.

CHAIRMAN ARMSTRONG: Christine?

BREDENKOETTER: None.

CHAIRMAN ARMSTRONG: Mary?

SCHUMAN: None.

CHAIRMAN ARMSTRONG: Greg? Ed?

THIBEAULT: No questions.

CHAIRMAN ARMSTRONG: Thank you, Mr. Jones.

JONES: Thank you.

SPEARS: Thank you.

CHAIRMAN ARMSTRONG: Next up will be the presenter for the County. Hello, sir.

POWERS: Hello again. Good evening. As always I'll try to make it even shorter than the last time. I think the general nature of the annexation areas for both cities ...

AUDIENCE: Could he identify himself?

POWERS: I'm Glenn Powers. I'm the Director of Planning for St. Louis County.

AUDIENCE: And would he speak into the microphone, please.

POWERS: All right. I'll first begin with Fenton. Of three areas ... the County ... the first area, which is up in the curve of the river is basically where the Fenton Soccer Park is and Unger Park. It's actually named Unger Park. Buder Park is a little bit to the ... to the west. There are some houses, frame houses along the river on old club lots. You are probably familiar with what those look like. There were at one time more. The '93 flood took a lot of them out, and a lot of the property was acquired by the County using federal funds, federal buy-out funds. And as such it will always have ... those parcels will always have to remain in parks and open space use. So I think what you see there basically in the long run is what will ... what will remain.

The second area was ... is 168 acres. That's Maritz. They're ... That's basically all non-residential. In fact, all three of them are basically non-residential proposals. The lines kind of go around the residential areas. There has been three previous attempts in 1980, 1986, and 1999 to annex the Maritz campus and in the case of '99 attempts the Boundary

Commission ... the legislation was abolished prior to that annexation going forward so that's why it didn't proceed.

The third area, as the mayor mentioned is the ... presently in a golf course and ... at least north of the new Highway 141 right-of-way and that is proposed for the new hospital. We've been reviewing and processing the plans through my office and through other offices at St. Louis County so that's an on-going thing.

South of the new 141 is a commercial area that was previously zoned when we knew 141 was going through, and it has a variety of uses.

There is no property tax in Fenton. There is a utility tax. It is the same as the County, so from the standpoint of Maritz, it would probably be a wash tax-wise, but, obviously, a shift between the County and the City.

In terms of Sunset Hills, that's a large area. It is basically the same as that previously filed by Sunset Hills. This time around, Crestwood has not filed a competing proposal on the north end. It's certainly more balanced from a land-use standpoint, but it is a large area. It has over 11,000 residents in it, which means that the population of that area is larger than the population in Sunset Hills right now. We realize they break it into four areas. And there has been no previous annexation attempts of that area. Certainly, interest expressed. Now Sunset Hills does have a property tax and they do have a slightly higher sales tax than the County so there would be some implications there. But certainly we appreciate the approach of how they would proceed.

Now, we're very active in the area. We've had town hall meetings down this portion of the County over the last year. We've had "walk and talks" in neighborhoods, including Notting Hill, and that's with our Police Department and other departments. In general, we're not aware of any significant, heartfelt desire to be in one city or another. Not that that might be the case with certain subdivisions or certain people, but as always, I will tell you that St. Louis County has the resources and the capabilities and should the residents of these areas ... or in the case of Sunset Hills tonight, should the residents of the unincorporated area that they're looking at want to continue to be served by unincorporated County or St. Louis County Government and stay unincorporated, we're more than happy to continue to serve.

The only other thing I'd mention ... just trying to think back over my notes is that in terms of contractual services, we do provide a significant amount of permitting services to both these cities under contracts, not all but a lot of building plan review and other things. And in the case of Fenton, that is St. Louis County Police under contract.

Be happy to answer any questions.

CHAIRMAN ARMSTRONG: Ed, do you have any questions?

THIBEAULT: No questions.

CHAIRMAN ARMSTRONG: Greg?

KLOEPPPEL: No questions.

CHAIRMAN ARMSTRONG: Mary?

SCHUMAN: No, thank you.

CHAIRMAN ARMSTRONG: Christine?

BREDENKOETTER: None.

CHAIRMAN ARMSTRONG: Johnny?

SPEARS: No questions.

CHAIRMAN ARMSTRONG: Bob?

FORD: Sounds like a wrap!

CHAIRMAN ARMSTRONG: Thank you, Mr. Powers.

POWERS: Thank you.

CHAIRMAN ARMSTRONG: At this time, we'll start the Public Comment portion of this meeting. All right. We have only one person who would like to make a public comment. If anybody else wants to ... all right, there you go. Andrea Conley? Sir, why don't you come on down, you'll be next up. Thanks, Michelle.

CONLEY: Good evening. My name is Andrea Conley. I'm on Kennerly Pines, which is at the end of Kennerly Road behind the Dierberg's, just east of Tesson Ferry. And I wanted to speak about the Sunset Hills plan. It's been a little difficult to see the maps on line with the PDF, but if I can read it correctly, it looks like the proposed boundary jogs down Old Tesson to take in the Dierberg's, that plaza and the plaza where Walgreen's is. Is that correct, Mr. Jones?

JONES: I believe it is correct.

CONLEY: Okay. My concern is that I live just behind Old Tesson in residential area and, of course, my husband and I knew when we bought the house that we were adjacent to multi-family housing and commercial and office space and that was understood. It was also understood at the time that we were residents of unincorporated St. Louis County and had the same representation or lack thereof as the commercial areas. If that area is annexed without taking any residential behind it, we'll have no say whatsoever in what happens to the commercial property that's across the street from us or the multi-family that's across the street from us. So our concern is that essentially is that we have the same elected representation and a voice to be heard with whatever development may or may not ever take place there. We would love to be part of Sunset Hills actually, and I'd be happy to do leg work and help work that out. In fact, my husband sent the city a letter a few months ago ... before the plans were due ...

suggesting that they look at incorporating our area, and we didn't hear anything back, so I'd love to do legwork and help with that. So thank you.

CHAIRMAN ARMSTRONG: Miss Conley, I suggest you talk to Mr. Jones before the night's over. Thank you. Mr. Grimes or Grimm's?

GRIMES: Grimes.

CHAIRMAN ARMSTRONG: Mr. Grimes.

GRIMES: Hi, my name's Herman Grimes, and we own the property in St. Louis County unincorporated which is next to St. Joseph's Medical Center, and we're just wondering are we in no-man's land or are we included in Fenton's plans or are we just still unincorporated or nothing?

CHAIRMAN ARMSTRONG: Mr. Hancock, can you answer that?

HANCOCK: We don't think so.

CHAIRMAN ARMSTRONG: Okay.

GRIMES: So we're not included?

CHAIRMAN ARMSTRONG: Mayor Hancock does not believe you are included in the Map Plan?

GRIMES: Okay. Thank you very much.

CHAIRMAN ARMSTRONG: You're welcome. Since it's such a small group, is there anybody else who would like to make a public comment? Come on down, sir.

AULIK I'm Arvo Aulik. I live in Tamara Terrace, that's on Sappington Road, and only comments I have heard in my area is no one there is interested in becoming part of Sunset Hills and so ... they have been served well by County and so far, the comments I have heard that the only advantage for becoming part of Sunset Hills has been to get greater tax, higher tax, and incompetence. So that's about the only thing I've heard.

CHAIRMAN ARMSTRONG: Okay. Thank you, sir. That will conclude the public comment portion of this meeting. I thank you all for attending. And if there is ultimately a Plan of Intent filed, you will be notified. Yes, sir?

FROM AUDIENCE: What is the time period for the Plan of Intent.

CHAIRMAN ARMSTRONG: I would pick up that letter right there on the corner, and it will lay out the timeframe for you. Off the top of my head, the Plan of Intents have to be submitted by April 15 ... no, they have to start being submitted by April 15 and

they have to be finished by July of 2010. And so sometime in that period, and cities can submit more than one Plan of Intent for a small portion or a large portion.

FROM AUDIENCE: What is the period of time for consideration, public hearing or whatever?

CHAIRMAN ARMSTRONG: Nine months.

FROM AUDIENCE: Nine months. Okay

CHAIRMAN ARMSTRONG: Okay. This meeting is adjourned. Thank you.