

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

**TRANSCRIPT OF MAP PLAN PUBLIC HEARING
DES PERES, TOWN & COUNTRY, VALLEY PARK
& ST. LOUIS COUNTY**

November 2, 2006

COMMISSION ATTENDANCE:

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

OTHERS PRESENT:

Michelle Dougherty, Executive Director
Beth Hoefer, Legal Counsel

CALL TO ORDER

CHAIRMAN M. ARMSTRONG: ... of St. Louis or St. Louis County with respect to possible annexation plans they may have over the next four and a half years. I want to stress this [tape slipped] telling us what they want to annex specifically, but is more the first step in a five-year cycle where the municipalities had to, as of July 1 of this past year, submit a Plan of Intent or Map Plan, which had to be the universe of all possibilities of annexations that they may want to annex over the next five years. Then this April we'll start taking actual Plans of Intent, and that's when the municipalities will be able to say, "Well, we actually want to annex this specific neighborhood or this specific part of unincorporated St. Louis County." And there'll be another public hearing with respect to that specific annexation, and at that point, that's a much more definitive and concrete annexation which people tend to be for or against. But this is more an information meeting to discuss all the range of possibilities the city will have starting on April 1 and running through the next four years of possible annexations they may want to have.

So with that introduction, I will take the presentation of the City of Des Peres.

HARMS: Thank you and good evening. My name is Doug Harms. I'm the City Administrator here in Des Peres, and I want to welcome you and all your guests to our fine facility here at the Lodge. I've also been asked by Mayor Lahr to extend to you his regrets that he could not be here this evening. Unfortunately, he's out of town on business, and this task then falls to me to represent the community.

In preparing this Map Plan, Des Peres city officials asked ourselves three questions: One, can we make our current city boundaries more logical and definitive? Two, what unincorporated areas have a community of interest with our city and might desire to be annexed? And three, what areas can we reasonably and efficiently serve without impacting the quality of services for our existing residents? The end result is the Map Plan that's before you this evening. It's the same Map Plan we submitted five years ago. It is not a defensive map; it's not intended to define every potential possible area that we might want to annex some day. Rather, it's a real Map Plan that shows what our city officials believe are the logical ultimate boundaries for our city.

You can divide our Map Plan into four distinctive areas. The first is the unincorporated area at I-270 and Manchester. I need to make it clear that our intent in the map is to include the entire unincorporated area pocket including the roadways, and I don't think that's clear on our map, and we need to clarify that in writing to you all and will do so within the next couple of days. The second area is generally a residential area east of Barrett Station Road between Manchester Road and Dougherty Ferry Roads. The third area is on Barrett Station Road between Manchester Road and Dougherty Ferry west of Barrett Station to Grand Glaize Creek, and the last area is the subdivision known as Ozark Subdivision lying east of Barrett Station Road and south of Dougherty Ferry.

The area includes roughly 435 housing units, has a population estimated at 900, includes \$55 million dollars in assessed value, and over 1.3 million square feet of commercial development. The general impact if all the areas were annexed would be an increase in the City of Des Peres of about 10 percent.

Our preliminary fiscal analysis of the areas if they were all to be annexed simultaneously reflects that we would break even on anticipated revenues versus anticipated expenses. However, I must say that our interest in annexing these areas is not equal for each area. Therefore, we've broken our map into six sub-areas identified as Areas A through F.

While the City of Des Peres does not have a current plan to actively pursue any annexations, we do have a strategy for doing so, if and when the circumstances are appropriate in the next three to five years. I'm sure you're asking what change in circumstance might entice us to pursue annexation. First, a change in state law would be required regarding how annexed areas are treated for fire protection purposes. Current law provides that the city making an annexation makes a payment in lieu of taxes to the fire district in which the property is currently located. Given our tax structure, that pilot payment typically exceeds 100 percent of the revenue that would be

generated in the area since we have no property tax. I'm not suggesting what the solution to the problem ought to be just that with the current law the way it is; we are not likely to pursue annexation of the areas we've identified as C, D, E, or F on our map. It's simply not financially viable to take those areas in under the current state law.

The second circumstance would be if petitions for voluntary annexation were filed from the underlying residents or property owners. This would be in the areas we've identified as Areas A and B. Why are these areas different than the others? First, Area A is not located within a fire district and so the state law and pilots does not apply to that area. The area would generate more than sufficient revenue to cover our expenses. We believe the area is already logically a part of Des Peres. The general public thinks it is. When people rent offices over there, they think it is. That's all due to location, zip code, and the fact that its access is entirely through the City of Des Peres or the City of Town & Country.

Area B, which again are those residential areas east of Barrett Station Road, is a relative small area involving only 17 homes. The areas are totally surrounded by Des Peres on three sides, and we believe they'd create, if they were annexed, would create a logical boundary for us at Barrett Station Road. While we understand if we were to annex that area, we would lose money, the relative difference between revenues and expenses is small enough, roughly \$15,000 dollars, that we'd be willing to absorb those costs if those residents wanted to be annexed.

I might add that in the last 15 years Des Peres has undertaken a number of annexations, all of which were done on a voluntary basis, and that is generally ... our preference is to have the residents come to us and seek annexation and for us to respond.

The third circumstance might be if the law allowed us to marry two areas into a single proposition. I understand the current law does not allow that, but if that were the case and we could have an all-or-nothing annexation involving all Areas A through F would be a circumstance where we might change our mind.

Your invitation to speak this evening included a request that we try to address a number of issues. I would like to focus on just two. The first is why is Des Peres best suited among all the cities in this area to service the areas we propose, and the second is what advantages does Des Peres provide to the residents and the property owners in the proposed annexation areas?

The first question, why Des Peres and no other city? ... Quite simply, no other city is interested in this area but us, especially the areas along Barrett Station Road. No other city has included that area in their Map Plan. Within the last five years, that area has had the opportunity to vote on an annexation by Manchester and declined to be annexed. Manchester has not filed a Plan as a result.

With regard to the unincorporated area at Manchester and I-270, the area is fully surrounded by the cities of Des Peres and Town & Country. We understand that Town

& Country, as well as Des Peres, have included this area in their Map Plans and that's okay with us. We think either city is well suited to annex the area and could provide the full range of quality public services which should be expected in any area in an urban county. Quite frankly, we believe that St. Louis County and this Boundary Commission should actively support annexation of this unincorporated area by one of these two cities as a matter of good public policy. It's unconscionable that an area in an urban county like St. Louis County has been allowed to develop as an intense commercial area without the benefit of guaranteed tax-supported fire protection. Let me stress that ... guaranteed tax-supported fire protection. While one would argue that we don't need to worry about that, the property owner will and has, frankly, purchased fire protection by contract. They needed to do so in order to get the financing to build their buildings. They needed to do so in order to continue to get insurance on those structures. However, I have to ask you what guarantee do you have that that arrangement will continue? If the property owner suffers any financial distress, will they discontinue that service? If the adjoining fire district or any fire district or any of the adjoining cities which choose not to contract with those areas in the future, what then? Is St. Louis County prepared to step in and provide fire and EMS protection? I know they're not; they do not have the inclination, the equipment or the desire to do so.

The second question is, "Why should the residents of these areas desire to be annexed by Des Peres?" First, let me state that the city has already received and continues to receive a high level of interest from the residents along Barrett Station Road in being annexed. Many of those residents are former residents of Des Peres who simply moved to new subdivisions and miss the old homestead. Why are they interested? Aside from the high level of quality city services, they also recognize that living in Des Peres will save them tax dollars. It's cheaper to be in Des Peres than in the unincorporated area of St. Louis County located within the fire district. We are one of only a handful of municipalities with no property tax. We are one of only two cities with no property tax, when you consider the cost of city services and fire protection; only Des Peres and Town & County enjoy that distinction. In the areas along Barrett Station Road, which are included within a fire protection district, they collectively would save \$235,000 dollars per year in taxes under current state law if they were annexed.

Since the unincorporated pocket at Manchester and 270 is not within a tax supported fire district or a city, they won't experience a tax savings. However, based on what we understand they currently pay for fire protection under their contracts, we would anticipate their net fiscal costs would be a wash. However, I want to stress one thing: if this area were charged what they should be charged for fire protection, the same amount they would pay if they were within the fire district's boundaries, they would actually save about \$150,000 dollars by being annexed versus being [a] area within the fire protection district.

On the service side, I don't think Des Peres needs to apologize to anybody for the quality of our city services. We provide a very high quality. We have a quality police, fire, and EMS service that we think is on a par with the municipalities in West County. We believe our patrol frequency and emergency response times are substantially better

than the County police can provide in these areas. It is not a criticism; it's simply due to proximity and size. We have a great deal of respect for the professionalism and the services provided by the men and women of the County Police Department. We have a similar level of respect for the men and women in the West County Fire Protection District who currently serve these areas. We expect that we will continue working with them under our mutual aid agreements to provide services in these areas whether they are annexed or remain unincorporated and under contract.

Des Peres' other city services ... I'll run through them quickly ... are high quality. If you live in the annexed area, we will extend to you free weekly trash, yard waste and curbside recycling. We provide very efficient snow removal and street maintenance including maintenance of public sidewalks. If you live in a subdivision with a private street, we have a program to convert private streets to public maintenance, again relieving the homeowners of the financial responsibility for maintenance if they wish to do so. Our parks and recreation services are outstanding and we believe represent the pinnacle of what municipalities provide in St. Louis County. I need only to point to this building and our Des Peres Park as examples of our high quality. Finally, our elected officials represent only 3,000 people per district instead of the 140,000 people in a typical County Council District. Our elected officials represent their friends and neighbors, and we believe they offer more responsive and representative service to those residents.

Let me conclude by again reiterating that we have received a high level of interest from the residents along Barrett Station Road in being annexed. I want to thank you for the opportunity to appear this evening. I want to encourage the residents and the property owners in the areas reflected in our Map Plan, anybody else's Map Plan, to ask the tough questions of the City officials, the County officials and this Commission so they can make a decision about what is in their best interest. We are confident if given the opportunity, the residents in the areas in our Map Plan will chose Des Peres over the status quo or any other municipality. So I thank you, and I'm prepared to answer any questions you may have this evening, and again, I will be sending you a letter about the Area A to clearly reflect that the roadways are included within our intended Map Plan.

CHAIRMAN M. ARMSTRONG: Thank you, sir.

AUDIENCE: Before you go any further, is there any way that someone like [inaudible] can put a map up there where you can find the boundary. [inaudible] ... talking so fast [inaudible].

CHAIRMAN M. ARMSTRONG: I appreciate what you're saying. The Boundary Commission only does not bring maps to this. Sir, if you have a map, you can put it up on ...

HARMS: I've got maps I can pass out.

CHAIRMAN M. ARMSTRONG: All right. Thank you.

BACKGROUND CONVERSTIONS [inaudible]

CHAIRMAN M. ARMSTRONG: We'll start with questions. Don, do you have any?

WOJTKOWSKI: No.

CHAIRMAN M. ARMSTRONG: Ed?

THIBEAULT: No questions at this point.

CHAIRMAN M. ARMSTRONG: Christine?

BREDENKOETTER: No.

CHAIRMAN M. ARMSTRONG: Ted?

T. ARMSTRONG: Mr. Harms, are there any residents in Area A?

HARMS: No, sir, there currently are no residents in that area.

T. ARMSTRONG: So there'd be no one to vote?

HARMS: Well, we don't know that to be a fact. The last time we tried to annex that area about three weeks before the election, one person did register to vote. So I don't know that it would be a fact on the day of annexation attempt ...

T. ARMSTRONG: All right.

HARMS: ... but again, we recognize there are no residents in that area, which makes it extremely difficult to annex without the consent of the property owner.

T. ARMSTRONG: The only other question I have is you spoke of Area B.

HARMS: Yes, sir.

T. ARMSTRONG: There are really two Area B's.

HARMS: Right. Well, they're both in the same circumstances being east of Barrett Station Road. Obviously, because they are not contiguous, they would need to be dealt with separately, but we consider them the same in terms of our approach to be willing to annex them.

T. ARMSTRONG: Okay. No other questions.

CHAIRMAN M. ARMSTRONG: Bob?

FORD: Yeah, those areas between Area B and C, that's part of Des Peres now? Other than Barrett Station Road, they're [talking over each other]

HARMS: No, Area C is not ... the areas between B and C are the unincorporated areas, I'm sorry. You go to Area C, which is on the north end of the east side of Barrett Station Road, I believe.

FORD: But those small sections between B and C ...

HARMS: Right. Those single subdivisions are currently in Des Peres.
Yes sir.

FORD: Okay.

HARMS: They were voluntarily annexed in the 90's by petition.

FORD: You commented about areas that are not under fire protection. Is it just Area A that's not under fire protection?

HARMS: Yes, it's just Area A. And again, we reiterate, they have a contract, and I respect that they do and that the fire district provides quality services. I'm not criticizing that fact. I'm simply saying I believe they should have guaranteed tax-supported fire services, not voluntary services.

FORD: If they have a contract, it's more than voluntary service.

HARMS: Well, no, it's not because I think there's ... it takes two to have a contract.

FORD: True.

HARMS: I mean on one hand the property owner has to be willing to do it and be able to financially do it. On the other hand, either the fire district or the cities have to be willing to enter the contract...

FORD: No more questions.

HARMS: ...What happens if we don't?

CHAIRMAN M. ARMSTRONG: I'd like to take this opportunity to welcome our newest Commissioner, Mr. John Schuster. Welcome. Do you have any questions, sir?

SCHUSTER: No, sir.

CHAIRMAN M. ARMSTRONG: All right. Frank?

KENNEY: None at this time.

CHAIRMAN M. ARMSTRONG: Mary?

SCHUMAN: Well, Mr. Harms, you give a very comprehensive and a very fast presentation ...

HARMS: You only gave me 12 minutes.

SCHUMAN: You do speak very quickly. Okay. And so, because you were going really fast, I may have missed the explanation of what the boundary ... why the boundaries were drawn the way they were on the west side of Areas D and E.

HARMS: On Area D, it's quite simple. We're using a natural boundary. We're using Grand Glaize Creek. We looked at using the property lines and some of the properties do cross the creek, we recognize that. The problem is they cannot be accessed from the east side of the creek, only from the west so for ease of service and service efficiency it makes sense for us at least, we believe, to stop at the Creek. Now, if there were a parcel, you know, that went the other side of the Creek and something happened to the Creek, you know, we would consider that in the future, but that's that boundary.

On the Area E, we're using Barrett Station Road as the boundary.

SCHUMAN: Oh that's Barrett. Okay. Sorry. [inaudible]

CHAIRMAN M. ARMSTRONG: Any other questions?

SCHUMAN: That's all I have.

CHAIRMAN M. ARMSTRONG: Okay. Thank you, Mr. Harms. We're finished. Thank you.

HARMS: Thank you.

CHAIRMAN M. ARMSTRONG: Next we'll have the presentation from Town & Country. And I'll take this opportunity while they walk up, if anybody's come into the room since I made introductory remarks, if you want to speak, you need to fill out a speaker card and hand it to our Executive Director, Michelle Dougherty. The speaker cards are in the back, against the wall back there.

Yes, sir.

AUDIENCE: This map is fine, but you can't read the streets.

CHAIRMAN M. ARMSTRONG: I suggest you talk to the municipality of Des Peres, sir, and they'll help you out. It's their responsibility to bring a map that is legible for all the citizens so you'll need to talk to them.

[BACKGROUND CONVERSATIONS]

Okay. Why don't we go ahead and start. Thank you.

DALTON: Thank you, Mr. Chairman, members of the Commission. My name is John Dalton, and I have the privilege of serving the city of Town & Country as its Mayor. With me this evening is John Copeland, who is our City Administrator and Chief of Police. We appreciate the opportunity to [be] before you and thank you for the opportunity to present our Map Plan submission.

On June 12, 2006, after much consideration and analysis, the Town & Country Board of Aldermen passed Resolution No. 06-06-01 authorizing and instructing me to file the Map Plan I submitted under my cover letter dated June 13, 2006. Town & Country's Map Plan submission is simple and singular in nature. There are no phases to it. There are no variables. There are no necessary changes in state law. It's a simple and, what we believe to be, straight-forward proposal. For the folks that do not have a copy of our submission, it is this block. That's it. That block sits at the intersection of Manchester Road and 270. It's bounded by an undeveloped and in the process of being rehabilitated quarry site to the west, by commercial office buildings to the east, by Manchester Road to the south, and by a line that cuts straight across Highway 270 to the north. It is not very large and that is the extent of our Map Plan submission.

There are six points associated with our submission that I would like to impress upon the Commission. First, it is a logical and natural extension of our existing boundaries. It fits within the City of Town & Country.

The second, the proposal would provide for a more efficient delivery of police protection to area residents. What do I mean by that? St. Louis County currently patrols that area. They must drive into either the City of Town & Country or the City of Des Peres, patrol that small box and turn around exiting either through the City of Town & Country or the City of Des Peres. Our police officers are already there. We currently cover that area in serving the rest of our community.

Third, this proposal would provide a continuity of the existing fire and emergency medical services to the current area. It would be revenue neutral to the West County Fire and Emergency Medical Services of the protection district.

Fourth, our proposal offers a coordinated governance of all relationships among existing and unknown or future residential and commercial interests. What do I mean by that. Charter Communications, the commercial establishment just to the north of the other commercial interests that are in our Map Plan is already in Town & Country. The neighboring buildings. Second, our residents surround a significant portion of the proposed area. Their interests are substantial when a quarry, an undeveloped quarry site is in their backyard. Third, a substantial portion of that area in the proposal is unincorporated ... I'm sorry, my mistake ... is undeveloped, which raises real issues for these residents.

Point number five: There is no loss of revenue to St. Louis County, rather there's a reduction in the provision of necessary services which are currently being delivered, in our opinion, in an inefficient manner. Town & Country does not have either a residential or a commercial property tax. This proposal is revenue neutral.

Number six: This is a very significant and active intersection in our community. I270 and Manchester Road is busy. It is a pocket that can be well served by the City of Town & Country, both in terms of maintenance of the roadways and in making sure that they are safe for those that use them.

Mr. Chairman, we fully recognize that this is the start of a very long five-year process. Our Map Plan is completely understood by the City of Town & Country to be just that, the start of the process. It represents what we consider to be the entire universe of areas that may in the future be the subject of a proposal by Town & Country.

You asked that we respond to a number of specific issues, and I'll do so now. First, Town & Country's criteria for including this area in our plan. The criteria we used mostly eliminated areas that would be otherwise included in our Map Plan. We had a four-part criteria. One, is the considered area consistent with the character of Town & Country, for example, zoning, lot size, density, property values and appearance? That criteria ruled out most of the areas that could have been subject to a Map Plan submission. It did not in this instance. Number 2, are there other identifiable attributes of value, protection of the character of Town & Country, control over development, smoothing of the city boundaries and an enhancement of public safety services? Number 3, what will the residents and/or businesses consider ... how will it affect the residents and/or businesses in the area? And number 4, what will the financial impact be of the proposal? Those were our criteria.

Question number 2, is there any phasing associated with our development? The answer is a simple no. It is a singular proposal. It will not be phased in any respect.

Number 3, is there a timetable associated with our proposal. The answer is yes and that is flexibility. We don't have any immediate needs for this area. We believe, as I said, our first and foremost point is it's a natural and logical extension of our boundaries. We think it makes sense. We hope the Commission will agree. We are flexible in our timetable.

The importance of this proposal to the City I believe was outlined above in my earlier remarks.

Why is Town & Country the best community to serve this area is likewise above and now that Des Peres considers us to be a equal partner in this proposal, we would agree with them that either one could serve this and we believe that we're the best.

Number 3, advantages to residents? Those were also re ... I made those remarks earlier and we think that those are among the most significant criteria. We surround this area with both our existing commercial, which we consider our [resident] as well and residential properties and they are all impacted by what goes on in this very important site.

Agreements ... the arguments in support of our proposal I believe are also contained in my earlier remarks and have there been any expressed interest by residents in the area included in the Map Plan? The answer is yes, there have been expressed interests by

both. We are working with those commercial interests; it's not immediately evident to them that this is the best development. It is, on the other hand, immediately ... considered a positive by the residential interests that back up to much of this area on both the east side of Highway 270 and on the west side.

In conclusion, I want to thank you again for the opportunity to present our Map Plan to you. We understand it's the beginning of the process. We welcome ongoing discussions and negotiations with the Boundary Commission, with the residential and commercial interests in that area, and anyone else that is impacted by our Map Plan submission. Thank you very much.

CHAIRMAN M. ARMSTRONG: Thank you, Mayor. We'll start with questions. Mary? Do you have any?

SCHUMAN: I don't think so.

CHAIRMAN M. ARMSTRONG: Okay. Frank?

KENNEY: As a point of order, what does happen to zoning classifications in an annexed area if they are different or don't necessarily fit within the categories of the annexing areas ... and since we don't have legal counsel here tonight ... Oh, yeah.... What does happen?

HOEFER: Well, usually annexed areas are given the most equivalent zoning. If there's something on the property that is there that does not fit with the current city zoning at all, it should be grandfathered in and then it would be able to continue as a non-conforming use.

KENNEY: Then my question is what is the ... what is the zoning on the quarry?

DALTON: It's St. Louis County zoning, and what we would suggest fits most closely to that in Town & Country and the surrounding area would be a planned office park zoning category which would allow for such things as the hotel that we know is being contemplated there or other office buildings which exist in the neighboring properties.

KENNEY: Is it a non-conforming use currently or is it a commercial zoning? What is the zoning classification on the quarry currently? Do we know?

DALTON: Are you asking me?

KENNEY: I don't know.

DALTON: That's a St. Louis County zoning classification. Town & Country has a zoning classification for all of the surrounding areas and they fit with what we believe is contemplated on the quarry site.

KENNEY: No further question.

CHAIRMAN M. ARMSTRONG: John?

SCHUSTER: No sir.

CHAIRMAN M. ARMSTRONG: Bob?

FORD: You indicated there is interest by residents. Are you talking about commercial residents or residents bordering the proposed annex?

DALTON: Thank you for the question. Both. There is ... an interest is not positive or negative. As I alluded to in my remarks, we have been meeting with all of the property owners, both commercial and residential, and the results have been mixed. Some of the commercial residents, some of the commercial properties are concerned about coming into Town & Country and being subject to our zoning classifications. What we're hearing on the other side from the residential property interest is that's why we need this area annexed because of the storm water runoff, because of the other implications of development on an otherwise undeveloped site, and it is now ... our residential people to the west and to the north and to the east of that site are very concerned about what goes on there. And we think that, as I mentioned in my remarks, the coordinated governance of the existing business activities and potential developments that might be there will be a vast benefit to all interested parties. Example: the Ellisville development where a property was developed without any respect to those people that were neighboring right next door to it and it fit inside of the Ellisville classification, but it didn't inside of the neighbors' and the neighboring interests had no say whatsoever.

FORD: You didn't ... correct me if I mistook what you said ... but you'd indicated that St. Louis County would not lose any revenue if that area was annexed?

DALTON: Correct.

FORD: There is no type of taxation for those businesses that are there now?

DALTON: You're receiving ... to my understanding, sir, you're receiving a business license fee of some sort and that would continue to be owed the St. Louis County whether or not it's annexed.

FORD: No other questions.

DALTON: That's what the St. Louis County folks have told me as of last Tuesday.

CHAIRMAN M. ARMSTRONG: Okay. Ted?

T. ARMSTRONG: Mayor Dalton, is there ... does it make any sense or is there any room for conversations with Des Peres, the City of Des Peres, to divide this area between the two of you?

DALTON: It always makes sense to have conversations.

T. ARMSTRONG: Do you see any issues that might make sense to have that kind of conversation?

DALTON: We would not have submitted this particular plan, this singular proposal if, in fact, we didn't believe that the entire block of the property should be taken into the City of Town & Country. For instance, immediately to the north are already commercial interests that look exactly like those to south along Highway 270 are in Town & Country. Same thing on the west side, albeit residential.

T. ARMSTRONG: Well, I guess what caused me to think that way is you made the point that your residents that are adjoining this area are concerned about the development of the quarry portion of it which is undeveloped at the present time. The rest of it is pretty fully, maybe not totally, but pretty fully developed already where those issues wouldn't be involved.

DALTON: Correct.

T. ARMSTRONG: That's why I was ... made that suggestion.

DALTON: It's a very good suggestion, and as I said, at this stage of the process, it cries out for those sorts of conversations and we would welcome them.

T. ARMSTRONG: Okay. No further questions.

CHAIRMAN M. ARMSTRONG: Christine?

BREDENKOETTER: Nothing.

CHAIRMAN M. ARMSTRONG: Ed?

THIBEAULT: No questions.

CHAIRMAN M. ARMSTRONG: Don?

WOJTKOWSKI: Yes. I'm not sure I really understand what a flexible timeline is. It seems in the course of your conversation that this seems to be something that is a priority to Town & Country, so let me be direct. When can the Boundary Commission expect a Plan of Intent?

DALTON: When I finish speaking with all of the area interests. The reason I say, sir, that ... that we're flexible, I don't believe that it's in Town & Country's

best interest to proceed until we've heard from everyone impacted by this proposal. That may take some time. So we are flexible in ...

WOJTKOWSKI: And who exactly are the constituents that you need to hear from?

DALTON: The owners of the quarry. We have spoken to them in the past. We know who they are. We have not been able to meet with them about this Map Plan submission. I have met with the business owners, some of which ... or the majority of which, I should say, on the east side of Highway 270, and it's ... we have plenty to do in Town & Country without pursuing this annexation. We think it's the right thing to do, but I don't want to do it if it's against the wishes of those surrounding ... of those impacted. It just doesn't make any sense. An election winning by a majority of one doesn't make sense to me. This is a natural and logical extension of our boundaries. We think we can provide the most efficient and top quality service there while leaving the other jurisdictions revenue neutral, i.e., the St. Louis County and West County Fire and EMS, and if ... if, in fact, it's supported by those that are included in the annexation, then we'll move forward, but we are not on a specific timetable to accomplish this. Does that respond to your question appropriately?

WOJTKOWSKI: It dodged it pretty well.

DALTON: Let me try to do it again. Help me understand what you've got on your mind and then I'll be more specific.

WOJTKOWSKI: Well, it was simply when can the Boundary Commission expect a Plan of Intent? Is this something that you're going to address as a priority and right out of the chute when you are allowed to submit a Plan of Intent or do we wait five years and you come in at the last minute with a Plan of Intent?

DALTON: Let me see if I can go at this a different way. I will not submit a Plan of Intent until I've met with all of the impacted interests. That's what I'm trying to communicate to you, sir. And it's not a priority for the City of Town & Country. It's the right thing to do, but I'm going to wait on any submission until I can have appropriate impact ... input from those impacted most.

WOJTKOWSKI: Okay. Thank you.

CHAIRMAN M. ARMSTRONG: The Chair has two questions. How many property owners are involved in this block as opposed to commercial interests?

DALTON: How many residential?

CHAIRMAN M. ARMSTRONG: No, as I understand it, there is no residential within the unincorporated area, is that correct?

DALTON: That's correct.

CHAIRMAN M. ARMSTRONG: So how many property owners are there? Not businesses, but property owners?

DALTON: I would guess something less than ten.

AUDIENCE: Two major.

DALTON: Two major.

AUDIENCE: Corporate area, I'm not sure how many [inaudible]

CHAIRMAN M. ARMSTRONG: And other than the owner of the quarry, have you been able to meet with those other nine or ten property owners?

DALTON: No, that's the problem, sir. We have met with one major owner of a commercial development on the east side of 270, and he is a Town & Country resident. He understands what we are trying to do, and we are still working through numbers to see if this make sense from his perspective, but I can't look at this only from a financial return perspective to one individual owner so this is ... and I regret that I gave the appearance of dodging the question ... this is a pretty complicated cost/benefit analysis that we are working through and I know his position on how it will impact his tenants by virtue of additional business license fees. I get that, but that's not the end of my analysis and the analysis of the City of Town & Country. More needs to go into it to figure out whether or not this is the right thing to do even though it might add to his pass-through under his triple-net leases.

CHAIRMAN M. ARMSTRONG: Which raises my last question which is have you spoken or has the City of Town & Country and the City of Des Peres sat down and spoken about this particular unincorporated area ... with respect to annexation? Have you guys negotiated at all or discussed this or are these Map Plans just sort of both out there and now you're looking at each other and trying to figure out what to do?

DALTON: The latter ... well, ...

CHAIRMAN M. ARMSTRONG: I would encourage you ...

DALTON: ... looking at each other, figuring out what to do, but we are ... we did submit this without discussions with the City of Des Peres. We knew of their interest in it, and as you say, this is the universe of possibilities and we intend to work through the process of ... closely with Des Peres, they are a good neighbor to the south and we intend to keep it that way.

CHAIRMAN M. ARMSTRONG: Okay. The Chair always encourages communication. Mr. Ford?

FORD: Yes, I have one more question, follow-up question. You'd indicated in your presentation that any annexation was cost neutral to the affected area, but you seem to indicate that one of the major property owners was concerned about

additional taxes from ... that would be applied from Town & Country so what it is? Is it a neutral area where the affected business residents are not ... there isn't a change in taxation or are they going to be taxed more if Town & Country annexes their area?

DALTON: Let me clarify for that. I apologize for that. Our criteria in considering areas to include in our Map Plan submission is the financial impact of any proposal including the sales tax receipts, the gross receipts tax, and the cost to the city. We are concerned about ... about whether this is going to be cost neutral to the city or St. Louis County or the Fire Protection District and the other governmental interests that are serving this area. We are ... we want to understand the financial impact of the proposal on residents. We have no property tax, either commercial or residential, so from that perspective our residents are not impacted by this proposal and the residents in the district. If there is a business license fee, I understand that under the leasing arrangements that are in place that is passed on to the tenants of the building. We need to continue to analyze the effect of that cost. But that's not what I mean by revenue neutral.

CHAIRMAN M. ARMSTRONG: Any other questions? Thank you, Mr. Mayor.

DALTON: My pleasure. Thank you for allowing us to present.

CHAIRMAN M. ARMSTRONG: Next up will be the City of Valley Park, and while they come up here, I'll again say for those people who came in after my introductory remarks, if you would like to speak at the public speaking portion of this ... or public comment portion ... you need ...

[End Tape 1, Side A]

Go ahead.

MARTIN: Mr. Chair, ladies and gentlemen of the Commission. My name is Eric Martin. I'm the City Counsel for the City of Valley Park, and we are resubmitting in large part the map proposal that was originally submitted in the year 2000 to this Commission for review.

[BACKGROUND CONVERSATIONS]

Audience member: Do you have any other maps you could pass out?

MARTIN: I do not, sir. This map proposal consists of several areas and for the purpose of this hearing tonight; I'll focus on the areas in this general geographical area as we have another public hearing a week from now. We are proposing unincorporated area Phase 1, which would be the first annexation in this area, should it go forward from a proposal process from the City of Valley Park's perspective and that area consists of what I'm going to call the Tree Court Industrial Area and the ... a small large-lot subdivision with some streets. I believe it's called the Westerman subdivision. Consists of approximately 60 residents. The area as a whole is

some 550 acres, and it's a real mix of industrial, office park, and single family residential. The City has used the criteria of, obviously, proximity, compactness, and feel that this is a natural progression of the City's boundaries. It's served by the Valley Park Fire Protection District, and it has a community interest in the City of Valley Park, and it's also part of the City of Valley Park School District. Again, if we go forward this would be the first phase of our proposed annexations. Obviously, we have the City of Peerless Park, and that's under litigation. I won't address that at any particular hearing because of the status of that matter.

Our second annexation proposal in this area is on the other side of Barrett Station Road and extends in between Barrett Station Road and Dougherty Ferry. Consists primarily of the Museum of Transportation which, of course, is a County Park's facility, together with some single family dwellings, again on fairly large lots, and a subdivision with about 80 residents in the area.

KENNEY: Just a point of order. You said your second phase was Barrett Station ... is that still in Phase 1?

MARTIN: Well, that would be my second phase for the areas I'm talking about here today, and that is this geographic area. I'm talking about simply ...

CHAIRMAN M. ARMSTRONG: That's Number 4 on your map.

MARTIN: Right. In other words, it would be the fourth phase, but the second phase in this geographical area.

And as far as the timetable, I have no timetable to submit to this Commission. It is obviously an expensive, costly and time-consuming effort to prepare a Plan of Intent and before that to do due diligence. We obviously sample the area and find out whether or not there is some communal interest in an annexation. Currently, the City has not had any on-going discussions with any of the property owners in either of the two areas that I'm discussing here today. I'm not prepared to offer any specific arguments pro or con. I think that's much too premature until a survey of the capital improvements needs of the areas, the needs, desires and wants of the residents and industries that would be impacted.

CHAIRMAN M. ARMSTRONG: Okay. John, any questions?

SCHUSTER: No, I don't think so.

CHAIRMAN M. ARMSTRONG: Ed?

THIBEAULT: [inaudible] clarification here. These numbered areas, are these in order of priority regarding what could be a potential timetable?

MARTIN: They are. That's a phased order of progression, Number 1 being ...

THIBEAULT: Number 1 would be your top priority?

MARTIN: Absolutely, and there's two Number 1's as you see on my plan.

BREDENKOETTER: I have nothing.

WOJTKOWSKI: Mr. Martin, the map that I have, this map ...

MARTIN: Yes, sir.

WOJTKOWSKI: The one I believe that was filed with the plan, with your ... as a part of the Map Plan ...

MARTIN: Yes, sir.

WOJTKOWSKI: The area shown as 5 down there at the south is different. You want to explain that to me, please.

MARTIN: The map that was submitted to you all ... and I think you're right, it was adjusted as a result of discussions with City of Fenton, and I believe this area is probably about halved ... is that what appears on your map?

CHAIRMAN M. ARMSTRONG: Well, it's actually much smaller.

MARTIN: It's smaller on the map that you have, is that correct?

CHAIRMAN M. ARMSTRONG: Yes, sir.

MARTIN: And that's why. We have spoken ...

T. ARMSTRONG: Do you consider this your Map Plan or this?

MARTIN: Of course, this is something that I have brought simply for purposes of viewing by the public for the areas that we are speaking about here today.

T. ARMSTRONG: But you understand that this does represent the City's Map Plan?

MARTIN: Not only do I understand it, I'm the one who proposed it and prepared that one, yes sir.

T. ARMSTRONG: All right. Second question is what is this ... you actually have three Number 1's. What is this one? What's in the area that's in ... right in the center of Valley Park?

MARTIN: That's an unincorporated pocket consisting of three residences and two cemeteries in the middle of the City of Valley Park. It developed due

to annexations around it. Currently, the City is or is in the process of preparing a submittal to St. Louis County to Miss Fiegel who will review it for a change of boundary outside the scope of this particular Commission, at least parts of that area.

T. ARMSTRONG: All right. No other questions.

CHAIRMAN M. ARMSTRONG: Bob.

FORD: No questions.

CHAIRMAN M. ARMSTRONG: Frank?

KENNEY: None.

CHAIRMAN M. ARMSTRONG: Mary?

SCHUMAN: Yes, Mr. Martin, other than the Peerless Park section, has Valley Park attempted to annex any of these areas in the past?

MARTIN: We have. I believe in the year 1994 or '95, an annexation was attempted from this area delineated Area 1, which is the Tree Court area, and again, I believe it failed.

SCHUMAN: No further questions for me.

CHAIRMAN M. ARMSTRONG: Bob?

FORD: Yeah, how many residents are in the Area 4 and the Area 1 over next to Kirkwood? Separately.

MARTIN: I believe Area 4 is approximately 80 residents, Area 1 about 60.

FORD: So both those areas are predominantly commercial property, manufacturing or whatever?

MARTIN: I'd have to say, it's a mix. Area 4 is predominantly park. I don't think there's any commercial in Area 4. That's the Museum of Transport area.

FORD: Okay.

CHAIRMAN M. ARMSTRONG: Thank you, sir. Now, we'll hear the presentation from St. Louis County.

FIEGEL: Good evening. I'm Lori Fiegel with St. Louis County Planning Department. I'm the Comprehensive Planning Manager, and I will make some brief comments. Unfortunately, you've heard some of them before so I'll try to be brief.

St. Louis County is a willing and capable service provider. We have a resident constituency of over 300,000. We offer quality services and are especially proud of our Police Department, which is the largest accredited police department in the State of Missouri; our Highway Department, which is second in size only to MODOT; and our Code Enforcement Services, which are utilized under contract by 84 of the 91 municipalities in St. Louis County. Our goal is to keep our taxes low and provide quality and cost effective services. Because of those efficiencies, many municipalities do contract with us, and the cities that are with us this evening are no exception. Valley Park has a full police contract with St. Louis County. Captain George Corless is our Commander of West County Precinct is here this evening. Town & Country also has a contract for our computer-aided report entry system. That's also a policing contract. We also have contracts with all three cities, Des Peres, Town & Country, and Valley Park for various code enforcement activities.

I'd kind of like to focus on the Map Plan areas that are commercial in nature since I believe almost all of the commercial map plan areas have been the target of past annexations, and specifically I'm talking about the commercial center at I-270 and Manchester, the Tree Court Industrial Park, the former Peerless Park at I-44 and 141, and even the Barrett Woods Corporate Center. All of these have been attempted to be annexed in the past.

I also want to clarify that, like municipalities, St. Louis County is interested in a diverse tax base. Most of unincorporated county is actually residential; it's not that unusual. However, commercial and industrial areas definitely play a significant part in our revenue mix. Unlike municipalities, however, St. Louis County does not impose significant additional business license fees. There is a merchant's fee that is county-wide that is basically administered at the application stage of the process; however, what cities often do is they have business license fees that are based on per square foot, rates per square foot or rates per gross receipts. And I believe both Des Peres and Town & Country each have a system like that for their businesses. We also don't differentiate our utility rates. Certain municipalities will have a different rate for residential than for commercial, and I believe Town & Country does not levy a residential utility rate but does on commercial properties.

For the County, the most significant revenue source from commercial property because ... is the utility tax. So that is not insignificant. The annexation of these areas like Tree Court and I-270 and Manchester would not be revenue neutral for St. Louis County. Now, I don't have the figures this evening, but we would lose utility tax, and utility tax is about ... somewhere between 10 and 15 percent of the County general budget, and that money is earmarked for our law enforcement services.

As I mentioned, there have been several attempts ... Des Peres and Town & Country both have tried to annex the area ... that was in the late '80's. Valley Park has tried to annex the Tree Court Industrial Park ... our records show in '90, '91, and '94. And obviously, you're familiar with the situation at 141 and 44, the former Peerless Park, which has been mentioned is in litigation. Peerless Park tried to annex that in '99 when

Peerless Park disincorporated, but in essence, so did the Boundary Commission, so nothing happened with that proposal and then again in 2004.

We have good relationships with the commercial property owners. In fact, we have been approached by one of the significant property owners in the 270 and Manchester pocket. They came to us in support of remaining unincorporated in opposition to being annexed by either Town & Country or Des Peres. They cited the increase in the business license fees, differences in the utility tax rate; at least in Town & Country ... it might be different in Des Peres, and concern about differences in certain regulations like signage. They did calculate it would represent an increase in rents for their tenants. They came out in opposition in 2001 in the last Map Plan cycle as well.

While we haven't recently been in contact specifically with the Tree Court Industrial Park Association, again they have been opposed in the past, again because of differences in tax rates without perhaps real clear benefits that they would receive for that. Valley Park does have a property tax so it would be an immediate tax for them.

Really in closing, I'd just like to, again, reiterate that the commercial properties are important to us, and I might add that in addition to the utility tax ... this is a little less direct, but every time we lose large amounts of assessed value that we lose road funding through the State because part of the calculation is based on road miles and assessed value, so if you annex small concentrated property of commercial property with not a lot of roads but a lot of assessed value, we lose what are called CART funds or our road funds. Just wanted to mention that.

Again, we're interested in respecting the interests of our business constituents who have come to us and told us they are happy to remain unincorporated. They feel their police service is fine. They have not complained about response issues or that kind of thing, and as long as we have over 300,000 residents to provide services for, we would like to be able to have the benefits of a diverse tax base. Thank you.

CHAIRMAN M. ARMSTRONG: Thank you, Miss Fiegel. Lori ... excuse me, Lori. Mary?

SCHUMAN: I didn't understand how St. Louis County loses tax, you know, the assessed valuation tax base and any revenues from that when something is annexed because the County taxes still accrue.

FIEGEL: We don't lose County tax; we lose CART funds, road funds where they use the amount of assessed value and lane miles to calculate the revenues that we receive.

SCHUMAN: Okay that I understand.

FIEGEL: I'm sorry for the confusion.

SCHUMAN: I'm sorry. I should have remembered that.

FIEGEL: Because everyone continues to pay their County property taxes regardless of annexation so that's not the issue.

SCHUMAN: One other. Regarding the utility taxes ... and I know you probably haven't done exact figures on exact areas that are located here, but the parcel, the rectangle at 270 and Manchester, does appear to be rather inefficient for services to St. Louis County, and isn't it possible that maybe the cost of providing those services, that there could be an offset here in terms of ... that the revenues that are currently coming from utility taxes aren't even maybe enough to pay for the services that need to be rendered especially since there is a little inefficient?

FIEGEL: Again, you're right. I don't have the calculations for that. I did ask for how many calls for service we do get from ... for the area, but I don't have any benchmark to know if that's high or low and if Captain Corless wants to respond to how much activity is there, but that is something that obviously we would look towards down the road.

CHAIRMAN M. ARMSTRONG: Anything else, Mary?

SCHUMAN: No.

CHAIRMAN M. ARMSTRONG: Frank?

KENNEY: Real quickly, on the gross receipts tax in each of those, do you have the comparable rates between the County and Town & Country and Des Peres?

FIEGEL: Des Peres has a range of rates. They have a different rate for electric, gas and water so I don't want to misspeak, but I don't ... it is differential. My understanding is that Town & Country has a higher rate than us.

KENNEY: [talking at same time] But if the annexation took place, the County would lose all of those receipts and they would all go to the particular entity that annexed them?

FIEGEL: Yes. And you didn't ask it now, but the quarry is zoned C-8 planned commercial.

KENNEY: Thank you. Thank you. With regard to the CART fee, is the CART fee based on [a] all right-of-way, County right-of-way within in a particular area?

FIEGEL: I believe it's lane mileage. Our Highway Department calculates that for us when there is an actual annexation.

KENNEY: But I'm trying to understand ... is it on all roads that are public roads within ...

FIEGEL: I believe so.

KENNEY: And where does the funding come from? Is it state funding?

FIEGEL: Yes, it's state funding.

KENNEY: State funding. Okay. Thank you.

CHAIRMAN M. ARMSTRONG: Bob? I'm sorry, John?

SCHUSTER: No, no questions. Bob?

FORD: Nothing at this time.

CHAIRMAN M. ARMSTRONG: Ted?

T. ARMSTRONG: I'm pretty confused about the revenue impact. I heard the Mayor of Town & Country say that there's no revenue impact in St. Louis County, and I've heard you say that there is a revenue that is not revenue neutral, and then I heard you say, that you don't know what the costs of the services in relation to the income that the County is getting out of ... talking about Area A ...

FIEGEL: Right. I would ...

T. ARMSTRONG: ... just a minute, I haven't finished. And I'm totally confused. But let me tell you, I expect you all, I expect St. Louis County to do a rigorous study and present to us definitive information and factual information about the tax impact on the County in the event there is a proposal filed either by Town & Country or the City of Des Peres. Can I count on you to do that for us?

FIEGEL: Absolutely.

T. ARMSTRONG: Thank you. I'm finished.

CHAIRMAN M. ARMSTRONG: Christine?

BREDENKOETTER: Kind of along those lines, I understand that you're going to lose revenue because of the CART funding, but if you lose lane miles, then you also do not have to perform that maintenance either so your costs should be lower, is that correct?

FIEGEL: Well, again, nothing is simple because not all roads leave the County for maintenance. If it's on the arterial system like J.J. Memorial Drive, which is a County arterial, we would continue to maintain that road. So there are ...

BREDENKOETTER: So if it's a County road, don't you get funds because it's a County road regardless of what municipality it sits in?

FIEGEL: If it's an arterial road, but again, the calculations are based on total lane miles and total assessed value.

BREDENKOETTER: You know, I agree with Ted. I mean I hear about revenue being lost in support of police departments, but you know, maybe I'm rather simplistic, but if you're losing on square miles and Town & Country or Des Peres is now picking up police protection, there should be some adjustment there because you no longer need the same bodies per se because you now have less to cover so ...

FIEGEL: That could be. And commercial areas are often attractive for annexation because they often generate greater revenues than direct service costs. That is what makes them frequently desirable, but yes, it has to be looked at on a case-by-case basis.

BREDENKOETTER: Okay. Thank you.

CHAIRMAN M. ARMSTRONG: Ed?

THIBEAULT: You've received some input relative to commercial interest and so forth. Do you have any sense as to residents in the area and how any feelings there that are beginning to emerge?

FIEGEL: We have ... we received one call from a resident interested in Des Peres, and that is literally all that we have heard.

THIBEAULT: Probably not necessarily aware that all of this is going on.

FIEGEL: Perhaps not, and other than the Valley Park, some of the large subdivisions to the west in Valley Park's proposal, there is fairly limited residential in the area, but we have not heard a lot of input either way from residents.

THIBEAULT: Thank you.

CHAIRMAN M. ARMSTRONG: Don?

WOJTKOWSKI: No.

CHAIRMAN M. ARMSTRONG: Thank you, Miss Fiegel.

FIEGEL: Thank you.

CHAIRMAN M. ARMSTRONG: At this point we'll start the public comment portion of the meeting.

[BACKGROUND CONVERSATION]

Yes. So the Commissioners have just asked for a five-minute break, so let's take a five-minute break and then we'll come back and do the public comment portion of the meeting.

[BREAK]

CHAIRMAN M. ARMSTRONG: I thank the public for the indulgence. We have a few speaker cards, and what I propose to do is call one name and then ... and sorry for the baseball analogy, but I've yet to come up with a better ... have another person on deck. So the first name I'll call to the podium, the next person prepare yourself, and then I'll call the next person up, and a third person will go on deck.

So if ... is it Dan Flotron would speak first, and on deck will be Ed Ruehl. And again, Mr. Flotron, you're representing an organization so you have five minutes if you need them all.

FLOTRON: Thank you. Good evening. I'm Dan Flotron, and I'm representing the Meramec Meadows Subdivision, which is adjacent to the property formerly known as Peerless Park. I was very confused by the presentation of Valley Park because the numbers on that far chart didn't match up what he was talking about, and I don't think he addressed the Valley Park portion of his presentation, but as long as I'm here, I have to comment on it.

We would like the property that formerly Peerless Park to remain St. Louis County because of the following:

Meramec Station Road, which is the far south boundary line of that property, has never been in such good condition as it is now under the maintenance of St. Louis County. Previously when Peerless Park had control, half of the road was maintained by Peerless Park and half of the road by St. Louis County. There was no difference ... there was no comparison to the two sides. St. Louis County was far superior and we feel that's because of the size and the input and they have the money to do the right job than a smaller city.

St. Louis County's Vector Control monitors the standing water near the roadside. Since the Drury development started, the property to the north of Meramec Station Road was raised, which created standing water. MSD is working to correct that problem, very hard, but in the meantime, St. Louis County is doing an excellent job of monitoring the situation and addressing mosquito control, et cetera, on a weekly basis, and that is very, very important.

We just feel that being part of St. Louis County and receiving their services are very important because our subdivision and many others access through that Meramec Station Road near the Drury development. Thank you for your time and allowing me to present our concerns.

CHAIRMAN M. ARMSTRONG: Thank you, Mr. Flotron. Mr. Ruehl, and up next will be Carlo Bruno.

RUEHL: My name's Ed Ruehl. I live at 13221 Barrett Chase Circle, and I'm a Trustee of that subdivision. And over a year ago when we heard there was a possibility of something like this, we polled the people and we got 100 percent agreement to be annexed into Des Peres. I can speak first-hand about Des Peres

because prior to living there, I lived for 32 years in the City of Des Peres, was active in the City for 10 years, and we know of all the great qualities of Des Peres and what they could for us so we would certainly be delighted to move into the covenant of the City of Des Peres.

Also, I would like to say personally, and I think others feel the same way, that we would love to get out under that very strict and stringent jurisdiction of the West County Fire Department and their high taxes for fire protection coverage. That would be a delight also. So we would certainly be happy to see this annexation go through. Thank you.

T. ARMSTRONG: Mr. Ruehl, excuse me.

RUEHL: Yes.

TARMSTRONG: Will you point out on the map where this subdivision is?

RUEHL: Right here. It's right adjacent to the nurseries all along the Barrett Station Road. It's south of the nurseries.

T. ARMSTRONG: Okay. Thank you.

RUEHL: Just south of Kirkwood Materials.

T. ARMSTRONG: Okay. Thank you.

CHAIRMAN M. ARMSTRONG: Okay. Mr. Bruno, and up next will be Carrie ... is it Johler? Okay.

BRUNO: Hi. Ed and I didn't compare notes, but he stole most of what I was going to tell you. Anyway, I'm also a trustee at Barrett Chase Villas, have been for 5 years. Also lived in Des Peres for about 34 years. We'd like to submit this letter which confirms that we did talk to all of our 28 residents that live at the Villa that are all in favor of annexation back into Des Peres. I say "back into Des Peres" ... that's a mistake ... into Des Peres.

I also want to thank Doug Harms for explaining very carefully a very complicated kind of annexation that we have in Des Peres, and I also was on planning and zoning so I know it takes a lot work and a lot of long-term planning, but we have high hopes that we can become part of that Des Peres again. So I thank you. I'd like to submit this letter if I may, and ...

CHAIRMAN M. ARMSTRONG: Sure, why don't you give it to me?

BRUNO: I'll give it to Michelle.

CHAIRMAN M. ARMSTRONG: Sure. Thank you, sir.

BRUNO: Thank you very much.

CHAIRMAN M. ARMSTRONG: Carrie Johler, and up next will be Brian Wetter.

[BACKGROUND CONVERSATION]

JOHLER: Good evening. My name is Carrie Johler, and I'm a resident of the Spring Hill Farms Subdivision, which is on the map to be potentially annexed by Valley Park. I'd like to take this opportunity to respectfully voice my opposition to being annexed by Valley Park. I have here with me real estate comps that compare a four-bedroom approximately 2,400 square-foot home in the Valley Park zip code and in the 63021 zip code where we live in Spring Hill Farms Subdivision, and there is a variance in home value that is very real between Valley Park and Spring Hill Farms Subdivision in the neighborhood of \$30,000 for a comparable home. So we anticipate that there would be a potential drop in our home values, were we to become part of Valley Park.

Now when we purchased our home in our subdivision ten years ago we intentionally chose a home that was not in Valley Park and one that was in the Parkway School District and for appreciation purposes. The Parkway School District, as most know, is very highly regarded in its education and thus the homes that participate in that school district have retained good value and good resale. Valley Park City is directly linked to the Valley Park School District, and we believe it would detrimentally affect the home values in our subdivision and potentially the education of our children, and so I just want to encourage that the submission not be moved forward for this annexation of Spring Hill Farms Subdivision into Valley Park. Thank you.

CHAIRMAN M. ARMSTRONG: Mr. Wetter, and up next will be Dave Frazier.

WETTER: Good evening, ladies and gentlemen. Thank you for this opportunity to address you tonight. My name is Brian Wetter, and I am a home owner in the affected area and Chairman of the Board of Trustees of Spring Hill Farms Subdivision, which is in Area Number 2 of the Valley Park proposed annexation area which ... can't see from these maps right now. We are located near the intersection of Hanna Road and Vance Road. And I'm hear this evening to represent myself and the Board of Trustees of Spring Hill Farms Subdivision, and I am at a true loss of words as to how to explain our extreme displeasure to learn that the City of Valley Park has submitted a proposal to annex our subdivision. Many residents purchased homes in our subdivision due to the good neighborhood, resale value as well as being part of Parkway School District. The Board of Trustees of Spring Hill Farms Subdivision is against any annexation proposal of our area by Valley Park and will do all that is possible to fight that annexation. I ask the Boundary Commission to not approve this annexation area of Number 2 by Valley Park. I ask the City of Valley Park to immediately withdraw their proposal that affects the Spring Hill Farms Subdivision. Please think first of the residents of Spring Hill Farm and consider their best interest, welfare and financial impact. Residents of our subdivision did not purchase a home in Valley Park for a reason, and I would hope that the City of Valley Park realizes it is not in their best interests to obtain an area of angered residents.

I, too, was confused by the presentation presented tonight by Valley Park. Valley Park never addressed our subdivision area, annexation area Number 2, during their presentation nor did they state why it would benefit Valley Park to annex that area. It is clear that Valley Park has not seriously thought this through, and I think the City of Valley Park should concentrate on improving what they've got before they think about any expansion. Thank you very much.

CHAIRMAN M. ARMSTRONG: Yeah, let me just make a clarification to be fair to Valley Park. Valley Park has another public hearing next Wednesday where they are going to address the areas of the Spring Hill Farm Subdivision, so that's why they didn't address it tonight because they're just addressing the geographic areas on this side of Valley Park.

WETTER: That was not made clear ...

CHAIRMAN M. ARMSTRONG: I apologize.

WETTER: ... when the meetings were presented.

CHAIRMAN M. ARMSTRONG: I apologize. We're taking your comments and they'll certainly be incorporated into that so you don't necessarily need to attend next Wednesday, but I just wanted you to understand why Valley Park did not present that part tonight. And also I also want you to understand there is not a specific plan to annex right now any of these areas. This is just a universe of opportunities.

WETTER: We understand that. We're against any opportunity.

CHAIRMAN M. ARMSTRONG: So there's nothing to withdraw ... you said "to withdraw," so there's nothing to withdraw at this point because there is no actual Plan of Intent.

WETTER: Then I ask that they do not move forward with their proposal.

CHAIRMAN M. ARMSTRONG: Fair enough. Thank you, sir.

WETTER: Thank you.

CHAIRMAN M. ARMSTRONG: Mr. Frazier, and up on deck will be John Hanpeter.

FRAZIER: Thank you, Mr. Chairman and members of the Commission. I'd like to take a few minutes of your time to discuss the impact of a couple of the annexation conceptual areas on the West County EMS and Fire Protection District, which provides fire and EMS services to a vast majority of the area discussed tonight with any and all the municipalities or the County in general.

First, the area in question in the 270/Manchester area, all the commercial properties. To shed a little history in that area. The Fire District does provide fire and EMS services via

contract with the property owners. I believe the Commission asked how many owners are up in that area. We have four contracts in that area, one for the quarry, one for 12800 Corporate Hill, the Corporate Hill Complex by name, and also the office buildings on the east side of 270 of J.J. Kelly Memorial Drive. So we have been the contract provider for several years dating back into the early 90's, I do believe.

So with that, my first concern when I saw some of the conceptual proposals was with Des Peres, and I believe Mr. Harms clarified some of that this evening with the fact that the roadways and the other areas of land that were not physically drawn in or colored in are included in that area, so I was glad to hear that because as an emergency service provider we refer to that as dead man's land because it's not formally in a city, it's in unincorporated St. Louis County and there is no fire and EMS protection so I would have a concern of that, but it is to be incorporated so that's good to hear.

My second concern with Des Peres proposal was that as the contract provider, yes, we would lose those contracts and that would be a negative impact on our budget at the Fire District so we would lose revenue because of that annexation.

As far as the annexation proposal with the City of Town & Country, we have and will maintain to be the fire and EMS provider for the City of Town & Country. We've had a great partnership for over the last 23 plus years for their entire municipality. If such an annexation were to occur, I believe, as Mayor Dalton indicated, there is an opportunity for negotiations under state statute that would make that revenue neutral for the Fire District. He and I and Administrator Copeland have discussed it in concept and so further discussions would take place.

In the area that Valley ... excuse me, Des Peres has talked about annexing in the residential and the slight commercial areas in the Barrett Station/270 area. I believe Mr. Harms mentioned about the state statute and the pilot that is involved with that or the remuneration of the Fire District revenue back to the Fire District as the service provider in that area. The Fire District is currently in support of the current state statute that allows for that remuneration. There could be some language, obviously it would have to be state-wide because it affects numerous fire districts that have been annexed into by municipalities and that the tax revenue is not billed directly anymore to that home owner or property owner, but the city just picks that up. And in this case, Des Peres has no property tax so therefore, it's kind of a revenue loss, if you would ... they have the expenses to pay the Fire District but aren't generating any from that, say residential assessed valuation anymore. So ... but the Fire District is very steadfast in that the dollars that are in question because of the assessments maintained and be remunerated back to the Fire District and current state statute allows for that.

Under current state statute also, it's an agreed upon contract arrangement so, as Mr. Harms mentioned, he feels that some areas we have contracts with may be under assessed or ... not assessed but underpaying us for our services. Well, that is a mutually agreed upon revenue amount by our Board of Directors, our elected officials, and the property owners that we serve under contract, the same way it is with our contract with the City of Town & Country, and that is by state statute, and we're very

happy with that and we provide excellent services for the remuneration of dollars that we are paid for those services.

One other comment in regards to the Des Peres area and as a current resident of our Fire District had mentioned, he feels we have a very high tax rates. I will go on record as saying West County EMS and Fire has had and will maintain the lowest operating tax rate of any fire district in St. Louis County so I'm very proud of that and feel I have the best bargain going in fire and EMS service in St. Louis County so the Commission is aware of that.

With the Valley Park proposal, there is really no impact because Valley Park as a city or municipality does not provide fire and EMS service so they maintain within the jurisdictional boundaries of the governmental agencies or fire districts that do provide those services. So there is no impact on any of the Valley Park proposals to West County EMS and Fire.

And likewise, the St. Louis County proposals of just remaining the way it is, again we have no issues with because remaining the way it is, is good for the Fire District and good for the areas that we do serve along with our County comrades there. Thank you.

CHAIRMAN M. ARMSTRONG: Thank you. I think we have at least one question.

FORD: I have one question for you. Because annexations that take place ...

[END OF TAPE 1, SIDE B]

... isn't under your Fire Protection District?

FRAZIER: That is correct. It is not in our Fire District, and we enjoy that contract because of our current relationship with the City of Town & Country so I believe we would have negotiations with the City to discuss an equal balance because of the increase in that area and now we're covering more commercial property and those types of things that we would reach a mutually agreed upon number that would compensate the Fire District for that expanded area.

FORD: Right, but ... okay, thank you.

CHAIRMAN M. ARMSTRONG: Any other questions? Thank you, sir.

FRAZIER: Thank you, Commissioner.

KENNEY: One quick question. The comment about the ... and I may get it wrong, the dead man's zone or the dead zones ...

FRAZIER: Yes.

KENNEY: Are you talking about County arterials that are within municipal areas?

FRAZIER: Well, there's a tract there of the roadway, I guess it almost comes down to who owns the roadway, but in our contract ...

KENNEY: Who owns ... just because an arterial is within a municipality that's owned by the County, the municipality may be, in fact, providing EMS services to that arterial, is that not correct?

FRAZIER: They possibly could; however, in this case, there are no services provided for fire and EMS in the area in question. We have contracts with the property owners. You have roadways in that area, so likewise as a portion of 270 in that area that is between the city boundary of Des Peres and the City of Town & Country ...

KENNEY: But all of that problem is actually created by the statute that you are actually in favor of?

FRAZIER: No, I believe it is created because it's an unincorporated area that has no boundaries or area that is served by a governmental agency such as West County EMS and Fire or another fire district or ...

KENNEY: Well, but that's covered by the statute that if that does become part of a municipality, the entities, the municipalities have to enter into negotiations with a contract provider.

FRAZIER: That is not. Only if it is within the Fire District boundaries do they have to remunerate the Fire District if I understand your question.

KENNEY: So Mr. Harms' statement about having to pay the Fire District, that is not true.

FRAZIER: No, that is correct. He would have to remunerate, the City of Des Peres would have to pay, as it currently does today, for that area of the City that is within the Fire Protection District's statute boundaries so ...

KENNEY: But that Manchester area is not one of them.

FRAZIER: That is correct. The 270/Manchester office complex is not. Only the area on Des Peres ... or Barrett Station Road is.

KENNEY: My apologies. Thank you.

CHAIRMAN M. ARMSTRONG: Thank you, sir.

FRAZIER: Thank you.

CHAIRMAN M. ARMSTRONG: Up next will be John Hanpeter and on deck will be Glen Bettale.

HANPETER: My name is John Hanpeter. I live at 1827 Dougherty Estates in Manchester, but it's unincorporated, and we are very happy with St. Louis County service to us and we went through an annexation procedure a few years ago and we turned it down, and I don't think we want any kind of annexation period. I am not a Trustee. I work with the Trustees so that would be my first point that we don't want any kind of annexation.

And I think on the maps that I have seen here, why the only ones that might affect us would be Valley Park, but from the discussion here apparently it's what, not finalized?

CHAIRMAN M. ARMSTRONG: Well, this again is the universe of all possibilities so not until April 1 can the City of Valley Park put in what's called a Plan of Intent, which is actually an intentional saying, "Okay, now we want to annex this particular part." So all that this Map Plan shows is that over the next five years ...

HANPETER: Five or six?

CHAIRMAN M. ARMSTRONG: Five.

HANPETER: The paper said six, but it's five, that's all right. In five years, I'm not going to be worried.

CHAIRMAN M. ARMSTRONG: All right, now ... this is the only ... these are the only areas that the City of Valley Park or any of the other municipalities can annex. They cannot go outside of their Map Plan. They can't expand anymore until the next cycle. There is no specific plan at this time for any of these municipalities to annex any of these areas.

FORD: And likewise, the municipalities may choose not to annex any of these areas.

HANPETER: That's right, but then that's not [inaudible], I'm just worried about the will, and I thought it was the paper said six, you say it's five years now. Okay, fine, that's good. And on the map here, I think if the people who were making these proposal would give some maps with streets on them, it would be a lot better for the people who attend this to find out where they are. Can I ask you or the Valley Park person, is there any plans for Valley Park north of Dougherty Ferry?

CHAIRMAN M. ARMSTRONG: That's a question you'll have to ask Mr. Martin. I'm sure he'll be able to answer that for you.

MARTIN: If you want to take a look at the map ...

HANPETER: It has no streets on it. I'm asking you personally.

CHAIRMAN M. ARMSTRONG: Well, let's do that after ... after the public comments. Why don't you go ahead ...

HANPETER: Oh, okay. All right. So that, yeah ... I'm trying to find out if any of these cover Dougherty Estates Subdivision, which is at Carmen Road and Dougherty Ferry, the main subdivision. The little one north ... well, if it doesn't get it north, we're okay. So that can't be pinned down now.

CHAIRMAN M. ARMSTRONG: You just need to direct that question to the municipality.

HANPETER: Okay. And ... okay, I guess that was it ... just to find out if we are included and if ... which I think we are not and that's what I'd like to confirm sometime with you, and then we're clear for the next five years.

CHAIRMAN M. ARMSTRONG: Well, you have to wait until the City of Valley Park actually submits a Plan of Intent and at that point there will be another public hearing on the Plan of Intent for an annexation. At this point, the City of Valley Park has not submitted any Plans of Intent and, in fact, cannot submit a Plan of Intent until April 1, 2007.

HANPETER: Okay. All right. So then again, I'll just say that ...

CHAIRMAN M. ARMSTRONG: But if you're not part of any Map Plan, if your street is not on that Map Plan, then you're good until the next cycle which starts in 2010.

HANPETER: Yeah, okay. That ...

CHAIRMAN M. ARMSTRONG: I mean good from your perspective.

HANPETER: Well, I'll keep in touch then and we'll find out if there's going to be another one.

WOJTKOWSKI: [inaudible] this area would be included in some other municipality's Map Plan.

CHAIRMAN M. ARMSTRONG: Did you understand that? It is possible that there may be another municipality that has included your area in a Map Plan. But you could check ... I would suggest that you call Michelle tomorrow, 863-3005.

HANPETER: 314?

CHAIRMAN M. ARMSTRONG: Yes, sir. And our Executive Director will help you out as much as possible.

HANPETER: Okay, then ... all right ... because I say I just want to confirm that we are very pleased in unincorporated St. Louis County and overwhelmingly after the last one, we want to stay that way.

CHAIRMAN M. ARMSTRONG: Thank you, Mr. Hanpeter. Mr. Bettale.

BETTALE: Thanks for giving me the opportunity to speak. I'm a resident of Meramec Meadows and neighbor of Dan Flotron. Our concern with being a resident of the area and a property owner is the zoning requirements and development requirements that the City of Valley Park may have on the former Peerless Park area. Recently Drury Development came in front of St. Louis County for a major development of the property above the Drury Inn, and property owners in the area were totally against it and we are ... some concerns if that may happen if Valley Park annexes it. We also have a question to the City of Valley Park is is this something that Valley Park has requested or is doing on their own or has the property owners requested the City of Valley Park to take them over?

CHAIRMAN M. ARMSTRONG: That's a question you can submit to Valley Park, but if you're interested in an answer, I suggest you direct that directly to Valley Park.

BETTALE: Okay. All right. That'll be it. Thanks.

CHAIRMAN M. ARMSTRONG: Okay. Thank you, sir. Since there's no more public comment, I thank everybody for coming out and taking ... participating in this and this meeting is adjourned.