

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

**TRANSCRIPT OF  
BC0701 PLAN OF INTENT PUBLIC HEARING  
ELLISVILLE OLD STATE ROAD ANNEXATION AREA**

**May 22, 2007**

**COMMISSION ATTENDANCE:**

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

**OTHERS PRESENT:**

Michelle Dougherty, Executive Director  
David Hamilton, Legal Counsel

**CALL TO ORDER**

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**CHAIRMAN ARMSTRONG:** Welcome. I forgot my little cheat sheet to talk about Public Hearings. Ah ... maybe my Executive Director has it. Going to try to do this extemporaneously. This is Public Hearing to discuss ... if you want to speak tonight, you need to fill out a speaker card before you speak. Our Executive Director, Michelle Dougherty, can collect them. She has them. If you're an individual, you get three minutes to speak. If you're representing a group, and I recognize some of you from last month's meeting, you can have as much as five minutes to speak. We very much want to hear whatever you have to say; however, I'd request to keep things somewhat moving along that if somebody said exactly what you've already wanted to say, you don't need to repeat it, you can just sort of join their comments. That said, we don't want to not let you say anything you want to say in your three or five minutes. So ... tonight's information hearing provides you the opportunity ... the municipalities an opportunity and St. Louis County an opportunity to explain their submitted plans. The public

comments should be directed at the plan that is the topic tonight. Just so you know what we do, the Boundary Commission is an independent government body appointed by both the County and various municipalities in the County to review boundary proposals and to help move them towards a vote or help the citizens and municipalities get done what they want to do and also be a brake on the system when there needs to be a brake on it.

Up above there is a sort of a letter that outlines what happens and the timeline involved and you're welcome to pick it up and if you have any questions, feel free to give me a call. My name is Matt Armstrong and I'm the Chair or you can call our Executive Director. She's actually easier to reach than I am, 863-3005, and she'll be happy to answer any of your questions also.

So let me call to order the Public Hearing. This is the Public Hearing of BC0701, the Ellisville Old State Road Area Annexation Proposal. The presentation order is going to be this. We'll have the presentation of Ellisville, which will be 15 minutes. We'll have comments from the St. Louis County, which will be another 15 minutes. And then we can have public comment. And if Ellisville is ready to go, we are ready. All right.

HOOD: [inaudible]

CHAIRMAN ARMSTRONG: You know what, we're relatively informal. You are welcome to sit down.

HOOD: All right. Very good. My name is Ada Hood. I'm the Director of Planning and Community Development.

CHAIRMAN ARMSTRONG: The microphone is not really for hearing as much as for recording for the record.

HOOD: Again, Mr. Chairman, thank you for coming here to Ellisville. Welcome. My name is Ada Hood. I'm the Director of Planning and Community Development for the City of Ellisville. Tonight we are here to consider the annexation proposal submitted by the City of Ellisville. I apologize, my map is not looking very good. This is a location map included as part of the Plan of Intent. There are copies of the Plan of Intent on the table entering the Council Chambers and I presume that you have a copy of the Plan of Intent as well.

As part of our Map Plan submittal, the City included three what we deemed to be unincorporated pockets, the first one being the Old State Road area; the second one being Kylewood, and the third one being along Kiefer Creek. This evening we are moving forward with accomplishing or implementing the incorporation or the annexing of the Old State Annexation or the Old State Road unincorporated pocket.

Again, I apologize, my map is not very clear here. The area is located at the southwest quadrant of the City of Ellisville. I'm going to point to this map on the board up here just because it is a little bit more visible. This is the City of Ellisville corporate boundaries. To

the north of us is Chesterfield. This is Clarkson Road running here, goes south to Kiefer Creek. This is Manchester Road. The unincorporated pocket is this gray area here. Our proposal includes the annexing of the right-of-way as well of Old State right-of-way.

In summary, our Plan of Intent is an accumulation of multiple events. The first event was a request from Kerryton Place Villa residents. The next event would be that it is consistent with the Map Plan that was submitted to you last year. It is also consistent with the Boundary Commissions goals to eliminate existing unincorporated pockets. It is consistent with the City's comprehensive plan, and hopefully, with Boundary Commission approval, we will be allowed to take this petition to a ballot for a vote of the people.

This is an aerial of the area, and I've listed here or annotated here the different uses or different tenants or owners that are using the existing property. This here is a residential property. These two, when I went out and surveyed, were vacant at the time. This parcel here consists of Exterior Building Supply and Claybridge Homes. This is the BMW use, BMW shop. This is AJ Products, Allen Roofing, Arrow [sounds like] Trenching. This here is Kerryton Place Villas, and this is the people who had requested to be annexed. This is a residential property on the front and it is used for business on the back. This parcel here is used as a roadway to access this back portion, and this is Metropolitan Tree Service.

In summary, the next couple of slides will talk about some of the stuff in our Plan of Intent for the public's benefit. According to the population census we had seven ... our population estimates based on St. Louis County staff calculations is 124. The land area is about 42 acres. The number of dwelling units per the 2000 Census is four. Current estimates, again calculated by St. Louis County, are 43. I've copied a table included in the Plan of Intent again, outlining the services that the City of Ellisville provides. One of the most beneficial ones to everybody in the annexation area would be our police service because the ... both residents and the commercially used parcels will benefit because of our close proximity.

Additional benefits, again, police service, 24-hour police protection. We do vacation checks for residential properties. We have many crime prevention programs. We have benefits provided through our Parks and Recreation Department. We offer resident rates for residents, senior adult programs, extensive youth program. Public Works benefits include snow plowing, de-icing, leaf pickup, brush pickup, sidewalk maintenance, sign maintenance, street light service. Again, this is from the Plan of Intent. This is the relevant tax rates to that area. The property tax will go up 15 cents. The sales tax is different in Ellisville than it is in St. Louis County, and the utility tax also goes up. The impact of those changes ... for the property tax the impact would be approximately \$28.50 more for each \$100,000 valuation, \$100,000 value of a home. The sales tax if people shop in Ellisville whether you are a resident of Ellisville or not, those are the sales tax rates that you pay. If you shop in unincorporated St. Louis County and continue to shop there, then you will not be impacted by the sales tax. The utility tax amounts to about \$43.67 additional per year per person.

In summary, our plan is consistent with the submitted Map Plan; it's consistent with the goals of the Boundary Commission. It's consistent with the City's comprehensive plan. It is supported by the residents of the KPV subdivision. It will provide added services to all residents and businesses within that area. The degree of services obviously changes between residential and commercial owners and with approval of the Boundary Commission we hope to place it on an upcoming ballot this year.

That is it. I'm available to answer questions. Also here with me this evening is the Assistant City Manager, Eric Sterman. We have the Mayor Pro Tem, Charles Pavlack. We also have Council Member, District 2, which abutting this area, Pam Cook, and we also have Council Member from District 1, Clark Compton. We'll be happy to answer any questions.

CHAIRMAN ARMSTRONG: Thank you for coming. Mr. Kloeppel, you want to start. Do you have any questions?

KLOEPPEL: I do have a couple of questions. With regards to the vacant property, have you talked to the owners of that vacant property that you surveyed and what their interest or non-interest is in this annexation is?

HOOD: No, we did send out a letter prior to this Public Hearing shortly after the previous meeting we met with you at St. Louis County Government Center, and I did not hear back.

KLOEPPEL: But you had ... you did contact those current owners?

HOOD: Yes. And as a matter of fact, our police department went out there too to see if they had any questions or, you know.

KLOEPPEL: Okay. And that takes me to my next question. With regards to the police department, this is 42 acres you're proposing here. What's Ellisville's plan with regards to police services? Are you planning to increase the number of police officers you currently have with regards to this area?

HOOD: We have taken a hard look at that and that will not be necessary.

KLOEPPEL: And why not?

HOOD: Because it is 42 acres in relation to the rest of the City and the fact that we already have to go to beyond that annexation area because it's surrounded by the City of Ellisville, we will not need additional police manpower.

KLOEPPEL: Do you know how many St. Louis County police officers currently patrol that area?

HOOD: That would be a question for St. Louis County.

KLOEPPEL: Do you know if by annexing this area any St. Louis County police officers would lose their jobs as a result of that?

HOOD: Again, that would be a question for St. Louis County. I apologize I do not have an answer.

KLOEPPEL: All right. That's all I have.

CHAIRMAN ARMSTRONG: Bob.

FORD: You indicated on your map that part of the area was industrial or various different companies. How are they going to be impacted taxwise?

HOOD: It's included in the Plan of Intent. I'd like to defer to our Assistant City Manager, Eric Sterman.

FORD: No problem.

STERMAN: Sir, [inaudible] [too far from microphone] briefly in the presentation. They will see an increase in property tax. Ellisville does have a 15 cent property tax on commercial property, which I believe the County does not have. Sales tax for an industrial property, I can't imagine there's significant impact if any unless they have sales out of their business, and I can't speak for all the specific businesses. And then again, utility tax, there will be a slight increase, and that's not just for commercial, that's for every resident as well.

FORD: Have you heard from any of those industries questioning that or ... yea or nay on the proposal?

STERMAN: You know, I can't say with certainty, but as Ada mentioned, we did send out letters and our police officers went and knocked specifically on all the commercial property owners because we knew they may not have been aware. We wanted to, you know, make them aware, gauge their sense on the issue. The police indicated that they, you know, everybody seemed kind of comfortable with that and did not express any issues. Whether that's truly the case, I would have to defer to those property owners.

FORD: What would be their benefit to be part of Ellisville?

STERMAN: Are you speaking for the industrial owners?

FORD: Yes.

STERMAN: You know, I think, again, I mean, it's a level of service. I think police is going to be, you know, ideally would be their strongest benefit. Our police know the area. They've patrolled the area. We're close by, you know, we can offer I can imagine a faster response time, just again familiarity with those properties, with this area. Other benefits, you know, of being in the community. We have ...for businesses

we have an Ellisville Merchants Association as well as the West County Chamber which, you know, is ... promotes our businesses and tries to get active within the community to promote Ellisville businesses specifically just as some examples.

FORD: Mr. Chairman, I have nothing else.

CHAIRMAN ARMSTRONG: Thank you. Johnnie.

SPEARS: No questions, Mr. Chairman.

CHAIRMAN ARMSTRONG: John.

SCHUSTER: No questions.

CHAIRMAN ARMSTRONG: I'll defer to the end. Christine.

BREDENKOETTER: Just out of curiosity, if your businesses are brought into Ellisville, are city amenities offered to them like availability to take advantage of your residential, your parks and your registering for the pools? Do you give those to your businesses? I mean there are some municipalities that give business owners resident cards to use those.

HOOD: I don't have an answer.

BREDENKOETTER: Okay, I mean some cities do.

HOOD: I don't have an answer for certain.

BREDENKOETTER: I would assume that today St. Louis County probably does not clean the streets as you are proposing to do is because they're not main arterial roads.

HOOD: [inaudible]

CHAIRMAN ARMSTRONG: By cleaning, do you mean snow removal?

BREDENKOETTER: Snow removal and de-icing.

HOOD: St. Louis County does maintain Old State Road, and they will continue to maintain Old State Road; however, in the residential subdivision, Kerryton Place Villas, I do not believe that St. Louis County maintains it, and that is something that we will maintain, we will snowplow, we will take care of the street lights. If street signs need to be replaced, we will also take care of that.

BREDENKOETTER: Okay. That's all.

CHAIRMAN ARMSTRONG: Frank.

KENNEY: I misunderstood you then. In connection with Old State Road, that will remain under St. Louis County jurisdiction?

HOOD: The actual jurisdiction will come under the City of Ellisville. It will be part of our corporate boundaries; however, we have contracts or some type of agreement with both the Missouri Department of Transportation and St. Louis County that they maintain ...

KENNEY: Whose road is it? Is it St. Louis County's or is Ellisville?

POWERS: It's on the County Arterial Road System. And all County Arterial Roads are maintained by St. Louis County whether they run through cities or not.

KENNEY: So it will remain as part of under the plan and the way it's worded, it will remain. Okay. How many acres is Ellisville currently?

HOOD: We are a little over four square miles.

KENNEY: Yeah, you had to do that too me.

HOOD: I apologize. It's in the Plan of Intent. If you just give me a minute, I can ...

KENNEY: With regard to the additional tax revenue that will be ... based on current numbers ... how many additional tax dollars would have come into Ellisville last year if this 42 acres had been part of Ellisville?

STERMAN: I apologize. It was relatively minimal, but it was ... let me just double check. Okay, we had estimated that at around \$37,000.

KENNEY: And Ellisville does not anticipate hiring any new employees or additional employees in connection with if the annexation were approved both at the ballot, no additional employees would be taken on?

STERMAN: We do not anticipate that, no. I mean obviously once, we'll reassess, but that's not [inaudible].

KENNEY: [inaudible].

CHAIRMAN ARMSTRONG: Don.

WOJTKOWSKI: Yes. I'm assuming that the roadways within the subdivision at this point in time are private roads and Ellisville is basically agreeing to have those roads dedicated to Ellisville and you're going to take over the maintenance. Is that correct?

HOOD: That is correct.

WOJTKOWSKI: Are there any other subdivisions in Ellisville that currently have private roads or that you have not assumed maintenance responsibility for?

HOOD: I can think of one that we did not assume maintenance of, and they ... it's a private subdivision. It's a private street and we do not maintain it, but that is not to say that we wouldn't consider maintaining it should they request it.

WOJTKOWSKI: Okay, so if they came along and requested it you would do it?

HOOD: It would be a decision up to the Council. That's not a decision that I make.

WOJTKOWSKI: Okay. Has the Council passed a resolution that has ... supports the assuming of the maintenance and the lighting and all that stuff?

HOOD: We have passed an ordinance, correct, as part of this Plan of Intent that if this annexation does move forward and is approved by the voters, that we will assume maintenance of that private street, Kerryton Place Drive.

WOJTKOWSKI: Okay, now the Drive that services two parcels ...

HOOD: Correct.

WOJTKOWSKI: Are you going to assume maintenance of that?

HOOD: Yes.

WOJTKOWSKI: Okay. And that's included in the ordinance that you passed?

HOOD: That is correct.

WOJTKOWSKI: I have no further questions.

CHAIRMAN ARMSTRONG: Ed.

THIBEAULT: I guess I just have one question and in the interest of full disclosure, I am a resident of Wildwood, and I would like to ask the question here, I know that you have a proposed Ellisville Public Works Facility, and I know that that has raised some issues between the two municipalities. I don't live in proximity to it so I'm speaking as a citizen and as a member of the Commission here, but does the acquisition, if it were to happen, does that provide you with any greater latitude to be able to locate that facility in another area that is perhaps not as raising as much contentiousness as it is now?

HOOD: That's a tough question. I don't really know how to answer it.

?: [inaudible].



CHAIRMAN ARMSTRONG: Yes, please.

?: That facility is being built. No, we wouldn't be relocating  
[inaudible].

THIBEAULT: I see.

PAVLACK: My name is Charles Pavlack. I'm Mayor Pro Tem of the City of  
Ellisville. That facility is already under construction so there would be no option to  
relocate it at this time.

THIBEAULT: Thank you.

CHAIRMAN ARMSTRONG: Thank you, sir. Anything else, Ed?

THIBEAULT: No.

CHAIRMAN ARMSTRONG: Well, all my questions have been answered but one.  
Miss Hood, you mentioned the BMW ... is that an auto dealership or is that a repair  
shop?

HOOD: No, I think it's some type of club. It's a ...

CHAIRMAN ARMSTRONG: Okay. They're not selling cars that are going to up  
\$150 dollars per \$100,000 value out there?

HOOD: No.

CHAIRMAN ARMSTRONG: Okay.

?: Actually, I think sales tax is paid on the location of the buyer, the  
resident, if I'm not mistaken.

[background conversations]

CHAIRMAN ARMSTRONG: I try not to buy new cars so .... All right. That's the  
only question I have. Thank you. The next person up would representative of St. Louis  
County, and I recognize Mr. Powers, Glenn Powers.

POWERS: Hello. I'm Glenn Powers. I'm Director of Planning for St. Louis  
County, and I'm here to support the proposal tonight going forward on the ballot.

BREDENKOETTER: I can't believe that!

POWERS: Can I leave now?

BREDENKOETTER: Is this is the first?

POWERS: Well, this first came to us last fall, perhaps even late last summer as a request for a Transfer of Jurisdiction and we were not ... we are very reluctant to go forward with that. That procedure is essentially when two jurisdictions each pass ordinances and agree to transfer property from one to the other. That is not a procedure generally that we are comfortable with because it doesn't involve public hearings or Plans of Intent. It's just an agreement between two jurisdictions. Not that we ever had any doubt about what the preferences of residents in this area were. We are well aware that the Kerryton Place residents initiated this, but we've had some bad experiences with that procedure in other places and we didn't want to create the expectation with other municipalities that we would simply trade territories under any conditions. So what we ... the other objection we had to it is that it didn't include all of the pocket, just a portion of it, the actually condominium or villa complex, and we felt that as long as we were going to do this, that the whole pocket ought to go and not just part of it given the small size. And when I say pocket, I don't mean that in the legal sense, I don't even want to get into that argument tonight. I mean the small area at this point.

So the County Council declined to pass an ordinance supporting a transfer of jurisdiction but only after the staff said we were generally agreeable in concept of this going into Ellisville and so over the winter we worked through the process with the Ellisville staff. I think we have a clean legal at this point ... it involves all the right-of-way. We're having our public hearing tonight. The tax rates are right up there for everybody to see. Everybody gets the vote, and I fully support everybody's right to vote their preference in this case and we'll accept whatever the outcome is.

CHAIRMAN ARMSTRONG: Thank you, Mr. Powers. Mr. Kloepfel, do you have any questions?

KLOEPEL: None.

CHAIRMAN ARMSTRONG: Bob.

FORD: None.

CHAIRMAN ARMSTRONG: Johnnie.

SPEARS: No questions.

CHAIRMAN ARMSTRONG: John.

SCHUSTER: No questions.

CHAIRMAN ARMSTRONG: I don't either. Christine.

BREDENKOETTER: No.

KENNEY: Just out of curiosity, does St. Louis County currently provide police service to the area?

POWERS: Yes. It's our jurisdiction. We have two precincts that police operate out of. One over in Wildwood off of Highway 109 and then the other one would be at Big Bend and Sulphur Springs. You know, it's hard to answer the question how many police are dedicated to patrolling this 42-acre area, but needless-to-say, it's not going to result in any manpower changes, not in itself.

KENNEY: Thank you. Nothing further.

CHAIRMAN ARMSTRONG: Don.

WOJTKOWSKI: One question, Glenn. Does St. Louis County perceive that there is a practical difficulty in St. Louis County servicing this area at this time?

POWERS: Is it the most efficient ...

WOJTKOWSKI: That's not my question. Is there a practical difficulty in St. Louis County effectively servicing this area? It's not a trick question.

POWERS: No, no.

WOJTKOWSKI: Okay.

POWERS: We'd be happy to do it if that's what residents preferred.

WOJTKOWSKI: Let me explain where I'm going, okay? This ... by definition of an unincorporated pocket should the Boundary Commission choose to accept that definition, there's three cri ... actually four criteria to fulfill that definition. One is that the pocket ... that the density of the area is greater than one dwelling per three acres, okay? The second is that it must be a population at or below 500 citizens. And the third is that it can only be accessed from another municipality, okay? Those three criterion and basically those provisions are there to protect our owners of large parcels or farmers and that type of thing from having some independence if in fact they don't want to be annexed into a municipality. The outcome of satisfying that definition is that when it's voted on, the vote is combined and it's just basically one vote whereas in a typical standard annexation, the people in the annexing municipality vote and the people in the area to be annexed vote and if either one of them voted it down, there's no annexation, okay. So by combining the vote in effect what we do when we define an unincorporated pocket is dilute the vote significantly of those who are within the area to be annexed, which this Commission hates to do because we feel like we're taking votes away. The final criteria is that the Commission must feel that there is a practical difficulty in St. Louis County servicing the area, okay? And it would be my desire ... and this is an open forum ... based upon everyone ... I've seen the petitions ... you all are going to vote this thing in so I'd rather it not be defined as an unincorporated pocket just so that we don't ... we avoid that precedent, and that's the reason for my question.

POWERS: I understand, but ... and I would like to answer the other way, but we're a very capable government unit and we have no difficulty practical or otherwise servicing this area.

WOJTKOWSKI: I just want everybody's vote to feel like it's being counted, which when we define an unincorporated pocket, I don't think we accomplish that.

CHAIRMAN ARMSTRONG: Ed.

THIEBAULT: I have no questions.

WOJTKOWSKI: Sorry for the lecture.

CHAIRMAN ARMSTRONG: I don't have any questions either. Thank you. Now is the point for public comment. If you have not yet given your public comment cards to me, please do so now or give them to Michelle and we'll let you talk. Give me your card and we'll call you. Oh, I have it.

DOUGHERTY: [inaudible]

CHAIRMAN ARMSTRONG: How about Jack? It's right on top there. If you'll state your name for the record and whether or not you're representing yourself or an organization, I'd appreciate it.

PEREGOY: I'm Jack Peregoy. I live at 16029 Kerryton Place Villas. I am kind of speaking tonight on behalf of Ray Carney, who was the ... is the Chairman of our Annexation Committee. Ray, unfortunately this evening is in Wisconsin for the final rites for his brother today so he's not here, so these words are kind of his and I think you've all heard them before, but for the record ... At the present time KPV is located ... is isolated from any community, completely surrounded by Ellisville. It seems logical KPV should be part of that community geographically, politically and economically. Annexation will allow KPV residents to be a contributing member of the Ellisville community. Two, our source of police protection comes from the St. Louis County Police Department. Perhaps I am not out at the right time; however, I have never seen them patrol our streets. Where the County Police are when called determines their time of arrival. It can take a few to several minutes. As we all age, security becomes more important. Knowing the Ellisville Police are only two or three minutes away when needed and will be patrolling our streets will give the residents that security. Three, the majority of our residents are retired and on a fixed income. The cost of gas, food, as well as many other items continue increase. Because of this annexation into the City of Ellisville will be a great financial help because they will provide at the City's expense ... and I won't go through all of those, they've already been enumerated ... trash, police, et cetera. Our residents do know there will be an increase in our property and utility taxes, but we believe these taxes will be offset by the services we will receive from the City of Ellisville. The residents of Kerryton Place Villas do want to be annexed into the City of Ellisville and would greatly appreciate the Boundary Commission's approving the Plan of Intent and scheduling a public vote as soon possible. Our preference is to get this on

the ballot on behalf of all KPV residents. Thank you for listening. We appreciate your consideration.

CHAIRMAN ARMSTRONG: Thank you, Mr. Peregoy. If you wouldn't mind giving a copy of those comments to Michelle so she can make sure they get in the record, I'd appreciate it. If you'll pass the microphone to Mr. Argen, Argent.

ARGENT: Thank you. My name is David Argent and I live at 16000 Kerryton Place Villas, and I'm a member of the Board of Trustees for KPV and also I pay the bills and I know ... I do the budgeting so I'm very familiar with our finances. When we're annexed into Ellisville, this will impact us by about 10 percent of our income, about \$10,000 dollars a year, a positive for us through annexation, which really is a big deal. That's on normal operating budget. Looking further down the road, say about 15 years, when the streets start to deteriorate, that is a huge hurdle for us and so that would have a tremendous impact when we're annexed that Ellisville will maintain the streets and sidewalks. That's a big, big plus for us.

And Greg, on the subject of police protection, we've had a couple of instances when ... we are an older community as you can tell. Those of us that have hair, it's gray and obviously there's not a lot of crime there. Essentially zero. I've never heard of an incident except, you know, they are older people, they are afraid of not seeing any police presence at all. A couple of times we have had to call the police, they just didn't ... one time they didn't show. The other time, it was just very, very late. So this is very important for the peace of mind of the older residents so that will be a plus for us. And in terms of how ... it's not a lot of people. It's 124 people. Most of them I would say are in KPV so that's where the residents are really concentrated so in terms of police activity if we need to see them, you know, you get the maximum impact by driving through KPV.

One of the things we are seeing, we have a gate on our community. That's not to keep us in, it's to keep other people out. However, that gate code does get out. It's a real pain to have to change it, and we are finding occasionally young people are getting in there to party late at night so maybe they were delivering pizza at one time, someone gave them the code, but the residents don't bother to call the police because they don't think there'll be a response so ... or it will be very slow so we think that Ellisville will do a much better job there. So that's of interest there.

?: As long as you give them the code.

ARGEN: Well, they have the code. Yes, they'll get it. And Don, I appreciate what you said on the voting. We are concerned about that ... that was explained to us, the voting procedure, so we're all for it. We hope that the rest of the residents of Ellisville are for it, and I think that's what you were telling us. And I'd like to thank the Boundary Commission and Ellisville for helping move this forward. Thank you.

CHAIRMAN ARMSTRONG: Thank you, sir. If you will pass the microphone to Mr. Benjamin.

BENJAMIN: Thank you. My name is Don Benjamin. I'm a resident of the KPV area. The comment that ... I wasn't going to speak but I did want to comment to some of the thoughts that Mr. Wojtkowski presented. When you asked the question of Mr. Powers regarding the County's practicality of servicing the area, I think you've heard Dave Argent address some of the things at least in the police coverage, et cetera, and the lack thereof.

[END SIDE A]

... Powers pointed out that the two nearest facilities are on 109 or in the alternative out on Big Bend and Sulphur Springs. I would suggest that from a practicality standpoint while he may not be able to honestly say it is impractical to service the area, I think in practice it doesn't occur. Secondly, years ago and previous trustees, we actually had to write a letter to the Captain of the Big Bend/Sulphur Springs station to actually identify where we were and that we were in fact in his jurisdiction so that addresses in some ways a question that may be in your mind in terms of the practicality of service.

Secondly, in terms of percent of voters as Dave said, the preponderance of all of the voters in the area in question are in KPV by a significant margin so the dilution of voting I guess I didn't quite understand how that ... the voting would dilute one, two, three, ten other people versus 120, a majority of ... a significant majority of 124. Thank you. Thank you to the Board of Commission to allow us to speak.

CHAIRMAN ARMSTRONG: Sure. Don, you want to address that?

WOJTKOWSKI: No, my whole position is that if you were for this and everyone else was against it, if the vote of your subdivision was combined with the vote of Ellisville, would you feel like you were getting a fair shake? You probably wouldn't, okay? It's just a sensitivity, I mean, it has no impact on what's going to happen relative to this thing, to this issue, but there have been instances before the Boundary Commission where this has been a very, very contentious area, okay? And there have been times where individuals who perhaps felt and probably absolutely didn't have the amount of voice in determining their destiny that they should have. So we're just ... I'm sensitive, I don't know if my fellow Commissioners are, but that's the source of my concern. We all should have votes that count, okay?

CHAIRMAN ARMSTRONG: Well, I guess that raises an issue for the Chair, and perhaps Mayor, you can answer this. Is there any opposition within the rest of Ellisville or that you have even felt or heard of or ...?

STERMAN: I've not heard of anything. There was no public comment against it when we passed the ordinance that Ada referred to earlier. We have had absolutely no opposition. That being said, I can't predict what ...

CHAIRMAN ARMSTRONG: Sure.

STERMAN: ... 7,000 residents are going to do when they go to vote and see something on the ballot that they may not recognize.

CHAIRMAN ARMSTRONG: Sure. The last speaker card tonight is Mr. Marshall, City of Wildwood.

MARSHALL: Mine is a simple question and unfortunately, the map ... this is the map that I'm referring to that shows Pierside and maybe Mr. Powers could help us on this one. I believe that once Old State Road is finished, the money has been earmarked, I know, from the City of Wildwood for several years to connect Pierside to Old State and during the construction that money has been setting in escrow for 10 to 12 years, but I don't see on the plan where that road is pulled through. Would you happen to know ... I know ... and again I apologize, I should have this with me, but I just thought it would be on all the mapping because it's been there for such a long time that Pierside would connect to Old State once the new construction was done and then would connect the arterial across through Ellisville [inaudible] about a back access if you would [inaudible].

CHAIRMAN ARMSTRONG: Miss Hood, give an answer?

HOOD: [inaudible] I apologize. I don't know if I have an answer, but I do have some information regarding that. The property where the additional right-of-way needs to be secured is currently in unincorporated St. Louis County and that right-of-way has not been secured. I have spoken with the County's Highway and Traffic Division and with the Planning Division and it is part of their goals and objectives to maybe at some point secure that right-of-way.

POWERS: Yes, through the development process. Pierside [inaudible] it was just so that would be the end of it. If it was our intent to terminate Pierside where it was, we would put a cul-de-sac there. The intent of the County in it's planning, and it goes back to even before Wildwood, because Pierside and Chesterfield Lakes occurred under our jurisdiction prior to 1994. The intent was always to connect Pierside to allow another east/west distributor road, but it doesn't show on the map because the planometric make isn't a plan per se of what's going to be. It's a map of what is, and at this point that right-of-way doesn't exist. It would be acquired a development process or eventually through condemnation, but that just hasn't occurred yet.

MARSHALL: Is any of the property that would have to be acquired to complete that in the area that's to be annexed if it were to be annexed?

POWERS: Yes. I think all of it is.

MARSHALL: Well, I'm not talking about the existing Old State Road right-of-way. I'm talking about privately held property that needs to be acquired ...

POWERS: Yes. Pierside. Yes.

MARSHALL: And that is in the area that is subject to the annexation?

POWERS: Yes.

MARSHALL: So issues about jurisdictional issues in one governmental entity having any authority to annex private property within another jurisdiction ...

CHAIRMAN ARMSTRONG: It would be the county that would be annexing or condemning the property for the connection though, wouldn't it?

POWERS: Well, not necessarily. Pierside isn't on the County Arterial System. I believe it's a Wildwood local road, and it would be an Ellisville local road just as Pierside east of Old State Road is an Ellisville street. It's not on the County Arterial Road System.

CHAIRMAN ARMSTRONG: Okay, so Mr. Mayor, I'm not trying to put words in your mouth so let me do it, but are you then registering a concern, not necessarily an objection, to the fact that you want to make sure as the Mayor of Wildwood that that connection is made ... if that land is in the County ... in Ellisville as opposed to the County?

MARSHALL: And my only concern was I assumed, which is a very serious thing not to do because we paid construction, engineering design to connect that and we were told to wait and the engineering construction was only the preliminary construction of being able to tap into where the new road would, but it was several tens of thousands of dollars to have that done with the intent that when Old State Road would be completed, then in cooperation with the County that access would be made. I'm sure that there's at least a couple of feet of paper about that. I just assumed that that would have all been worked out with the road nearing completion as it is and as I look at this map it doesn't show that being part of the plan. So it certainly was never the intent of the City of Wildwood to buy the land from the County nor was it, but I'm not sure who will be buying that land, but hopefully that road will go through there whether it be developed and be vacated for that or whatever. So just a concern. I wish I had the answer. I don't have an answer for you other than the fact that I know several years ago and then on a regular basis, it's been reviewed as to when will that connection come through to bring Pierside out to the new Old State Road, which is actually moved from where it was before and that was the reason not to waste the money in connecting it until the new road was finished. I wish I had the answer. I don't.

CHAIRMAN ARMSTRONG: I appreciate the concern being raised through. Are there any other public comments? Seeing none, is there anything else from the Commission?

FORD: [inaudible] motion to adjourn.

CHAIRMAN ARMSTRONG: The Chair would entertain the motion to adjourn from Mr. Ford. Is there a second?



WOJTKOWSKI: Second.

CHAIRMAN ARMSTRONG: All those in favor?

All: Aye.

CHAIRMAN ARMSTRONG: We are adjourned. Thank you for coming very much. Oh, before we go, the next step so you all know is that we will go back and review at the next meeting, David? Michelle? Next two meetings, and then that gives us a chance to put all the information together, review it, and then vote to approve or disapprove the plan. And that will happen over the next two meetings, and those meetings will be at the County Executive Building, eighth floor, fourth Tuesday of the month.

DOUGHERTY: [inaudible].

CHAIRMAN ARMSTRONG: Fourth Tuesday of the month, eighth floor. Yes, sir.

?: What would be the target hopefully [inaudible]?

CHAIRMAN ARMSTRONG: I think the target is November 2007 to vote, to get it on the November ballot. We just can't make the August ballot, but we can get on the November ballot.

?: [inaudible].

CHAIRMAN ARMSTRONG: Is it 65 days, Michelle?

DOUGHERTY: The deadline for the November ballot is the fourth Tuesday of August, which is why we're going to have to have a decision before [inaudible] [talking over each other].

CHAIRMAN ARMSTRONG: Okay?

DOUGHERTY: Normally, it's a nine-month process [inaudible].

FORD: You guys on a fast track.