

**TRANSCRIPT OF MAP PLAN PUBLIC HEARING
DES PERES, GREEN PARK, SUNSET HILLS, TOWN & COUNTRY,
TWIN OAKS & ST. LOUIS COUNTY**

November 13, 2012

COMMISSION ATTENDANCE:

Commissioners	Present (P)/Absent (A)
Bill Bergfeld	P
T.R. Carr	P
Rick Dorsey	P
Thomas Freesmeier	A
Frank Ollendorff	A
Bill Sauerwein	P
John Schuster	P
Jack Schwartz	P
Kathleen Schweitzer	A
Janet Wilding	A
Carmen Wilkerson	P

OTHERS PRESENT:

Michelle Dougherty, Executive Director
John Young, Legal Counsel

CALL TO ORDER

CHAIRMAN SAUERWEIN: Good evening everybody and thank you for coming. Good evening and welcome to tonight's Public Hearing on the Presentation of Map Plan what will be four municipalities and St. Louis County. We're the Boundary, which is an eleven member commission whose tasks include conducting hearings on boundary changes, proposed boundary changes, and proposed annexations by municipalities in St. Louis County. The Boundary Commission is established by state statute which also sets out a five-year planning cycle for cities that may want to undertake Boundary Changes or annexations. We're near the beginning of this lengthy planning cycle wherein municipalities submit to the Commission a Map Plan, that's a map proposed by the city which shows the limits of any potential boundary change, an annexation of an unincorporated area, or the establishment of an unincorporated area.

Tonight's hearing is a part of that process. These are informational hearings that allow the cities in St. Louis County to present their proposed Map Plans and the public and St. Louis County to comment on these Map Plans. We are not approving or disapproving of any boundary change, any Map Plans, only listening to the presentation, soliciting public comment, and asking questions ourselves in a public forum.

You'll see from the Agenda the order of presentations tonight. Each city is asked to limit their presentation to 15 minutes and following the city's presentation, St. Louis County will also make a presentation, also for that amount of time. At the conclusion of all these presentations, anyone in the audience wishing to make any comment on any particular municipality's presentation will

be invited to do so. We ask that you limit your comments to three minutes, and we also ask that if you're here as a member of the public to make a comment on any of the presentations that you see Michelle, execute or fill out a card with your name and address and everything else, and we'll have that and the record will show who you are and what you were here speaking on.

I do want to announce one change in tonight's Agenda. Twin Oaks will not be presenting tonight. Is there anybody here from the general public that was wanting to listen to the presentation of the Twin Oaks proposed boundary change? Anybody here for that? Okay. And for anyone else on the other cities, the other thing I did want to mention is that if you do want to make comments any other time other than this meeting, you can log on to the Commission's website and make comments and make comments directly to the County Commission that way. Likewise, you can call Michelle, you can submit them in writing. We'll continue to entertain comments on the proposed boundary changes long after the hearings.

Before we start, because of the change in the Agenda, I would like a motion to move the presentation of the ... the Twin Oaks presentation to the meeting that's going to be held on November 27. I do want to announce that that meeting will be held at the Eureka Fire Protection Training Facility at 18765 US Highway 66 in Eureka, Missouri. Is there a motion to move the Twin Oaks presentation to the meeting of November 27?

[MOTION] So moved.

[SECOND] Second.

CHAIRMAN SAUERWEIN: Okay. Thank you. And do I need the other motion for anyone making comments if there's no one here to move that up? All right.

With all that being said, the first city tonight that's here to make a presentation is the City of Des Peres, so please come forward. Thank you.

HARMS: Thank you, and welcome to Des Peres. We're happy to have you back after what? Five years I guess it's been since you've been here. My name is Doug Harms. I'm the city Administrator here in Des Peres and let me simply start off by saying that Mayor Lahr has asked that I express to you his regrets that he could not be here this evening, but we had a conflict between the Council Meeting with the Public Hearing and this meeting, and I won the flip of the coin so I got to be here this evening. I assumed there would be a Map Plan up I guess. I didn't bring it electronically, but you all have copies of it.

CHAIRMAN: We do all have copies.

HARMS: Okay, great. Let me just simply say, I'll be fairly short. Our Map Plan that we're submitting in 2012 is virtually identical to the one we submitted five years ago with one minor change involving what we call the western boundary. We're looking at ... we have three potential areas on the Map Plan. The first is the unincorporated pocket at Manchester and 270. The second would be the unincorporated areas east of Barrett Station Road between Manchester and the railroad tracks, which would firm up our western boundary along a major roadway. And the third area is the unincorporated area west of Barrett Station Road to Grand Glaize Creek. The third one is the one that has some change from five years ago. We've extended the boundaries out to include Love Park because the County had asked us if we could

consider taking over Love Park last year. They have since changed their mind, but we figured we'd put it in the Map Plan just in case they changed their mind again.

I will tell you that our interest in annexation is not ... it's not strong or aggressive. Circumstances will need to change between we pursue annexation but, nonetheless, we wanted to submit a plan to keep all of our options open.

Let me talk a little bit about each of the three areas and why we think they should be included in the City of Des Peres if in any city. When we defined these areas, we looked at a couple of issues. One, does it make our boundaries more logical, clearly going to major roadways versus subdivision lines? We think does [stet] that. Do the areas have a community of interest? We think they all do. They are either surrounded by Des Peres or directly adjoin Des Peres. We frequently get inquiries from the residential areas asking if we would consider annexing. The third question we ask is can we reasonably extend services to those areas without adversely affecting our own current residents? If the answers to all those questions were "Yes," then it's on our Map Plan ... at least "Yes" in our opinion.

The financial criteria is is it financially viable? And in the current environment, I'll be very candid with you, it is not financially viable for us to annex. We are a city with a fire department. Under current state law if we annex into a fire district, we pay the fire district a fee in lieu of taxes. Given our tax structure we cannot annex into any area that's substantially residential or commercial that's in a fire district and break even. It just doesn't happen. So there has to be reasons other than finances for us to actively pursue an annexation.

Our strategy is fairly simple. The residents of the area, the property owners of the areas have to show a strong interest in being annexed. We prefer that be done by voluntary petition. If they do so, we'll consider it. We're not actively out and aggressively putting things on the ballot nor do we expect that we will in the future.

Let me talk a little bit about a couple of the areas just because I think it's important that you have the background and the way we approach this particular issue. In particular at I270 and Manchester, it is an unincorporated pocket of commercial property. It is fully surrounded by Des Peres and Town and Country. It's not easily serviced by St. Louis County or its Police Department. It is not located in a fire protection district so it has no directly supported fire protection services. We think that's wrong. We think they should be in a fire district or be in a city with a fire department, one of the two. St. Louis County does not assume responsibility for fire and EMS protection. They simply ignore it and say "That's the property owners' problem." And while the property owners in adjoining fire district have entered into a contract, and we respect that contract while we might disagree with some of its terms and conditions, we recognize the West County Fire and EMS District is an outstanding district and certainly have no issues with the quality of service they provide, we believe we could provide equal services. Frankly, we would so closely together if there's a fire call in that area, we're usually the first there. They're the second because it is directly adjacent to the city and our firehouse. But you need to recognize that under current law, we cannot annex this area without the consent of the property owner. There is no provision in your statute or your laws to allow us to annex an unpopulated area without the consent of the property owners so absent a change in state law or a change in the hearts of the property owners, we will not be actively pursuing that area.

We also recognize that's in Town and Country's Map Plan. We have no problem with that. If the property owners feel differently about Town and Country than Des Peres, we wholeheartedly support Town and Country's efforts to annex any or all parts of that area.

The areas along Barrett Station Road. East of Barrett Station Road is primarily residential. We continually get requests from residents down there to be annexed. We routinely tell them the same thing. Put together a voluntary petition. We give them a petition form. That's a lot of work. They usually lose their interest when we tell them that even if they do so, we may not annex, it depends on the numbers. But that area has a strong community of interest with us. Most of the people that live there ... or a lot of people that live there used to be Des Peres residents, moved to the newer homes along the roadway. They go to the same schools. They go to the same churches. They are effectively part of the fabric of our community even if they're not within our boundaries.

West of Barrett Station to Grand Glaize Creek, much the same. A lot of former residents moved there. We get inquiries occasionally and, quite frankly, going west of Barrett Station Road would be a stretch for us unless they resolve the fire district issues.

So again, as I said, we're not actively pursuing an annexation area. We want to be ... have our Map Plan considered to preserve those rights in case the property owners in those areas approach us about being annexed.

I want to thank you for the chance to be here. I want to reiterate that we think the City of Des Peres and its employees provide a high level of quality professional services that are comparable to we believe any other city in St. Louis County and the adjoining fire districts. Our residents and property owners receive a reduction in total tax bill... the residents and property owners in an annexation area would receive a lower tax bill for the same or better services if we were to annex them, thus one of our fiscal problems. We don't charge residential property I guess enough in taxes. And then finally, I would encourage the Commission and the residents and the property owners in these annexation areas to ask tough questions of the city about why we want to annex it, but also ask the same tough questions of the County about their level of service, they quality they provide, what they charge. In the case of area #1, the I270/Manchester, why is St. Louis County allowing 1.4 million square foot of office development without a guarantee of fire protection? So with that, I conclude my remarks and be happy to take your questions.

CHAIRMAN SAUERWEIN: Thank you, Mr. Harms. Does any member of the Commission have any questions? Looks like there's ...

HARMS: Want to apologize. I have to leave to go to the Public Hearing.

CHAIRMAN SAUERWEIN: Okay. Thank you for your presentation tonight. Next on tonight's Agenda is the City of Green Park.

ROST : Good evening, Commissioners. My name is Paul Rost. I'm here for the City of Green Park tonight. And the city, for those who might not know, is a small city down in the south area of the County. It is majestically cradled by Interstate 55 and Lindbergh Boulevard and just happily sitting there, but one of the issues that we've kind of encountered over the years which led to our submission of the Map Plan that you have before you is that when the

city was created back in 1995, none of the right-of-ways around the city were incorporated into the city so over the years we've had various times where issues have come up where the right-of-way for either Lindbergh or 21, Tesson Ferry, have ... issues have come up where we've wanted to exercise jurisdiction over those areas but can't because they're not within the jurisdictional limits of the city. So again, similar to Des Peres, to keep open our options and while we weigh the pros and cons of this area being brought into the city, we submitted this plan and we submitted it to go all the way across the entire right-of-way of 21 and Lindbergh. As you'll see from the map, the city limits don't actually continue on the other side of those roads and knowing that one of the ... that you can make your ... you can always take your Map Plan in but can't expand farther, if there was any comment from the Commission that you'd rather us go to like the midline of the right-of-way on 21 or Lindbergh, the city would also be open to that kind of a discussion. Our main concern is the right-of-way on the city side of 21 and Lindbergh, but we, as I said, would also entertain if there was any strong opposition or reasons to not go all the way across, we would look at that.

There are obviously no property owners in the area. It is all MODOT right-of-way. The area is maintained by MODOT completely. It's served by St. Louis County Police right now. If Green Park annexed it right now, it would still be served by St. Louis County Police since the city contracts with the County for police. The city has no court of its own, municipal court, so again any idea that this would be a speed trap of something of that nature is really not true because we don't have a court so all fines would still continue to the South St. Louis County Court.

The main issues that we've encountered, like I said, there's two things. They come out of this right-of-way. First, when we've had a couple of redevelopments along there and ... on Lindbergh especially and when we began our ... kind of negotiations and discussions with developers they always assume that that right-of-way is in the city and it's not and so there becomes ... they're going to have to deal with MODOT anyway because of it being MODOT's jurisdiction, but when it comes to things like curb cuts and permits and things of that nature on the roads that would be actually city roads that go and intersect with 21 or Lindbergh, we have in permitting of those issues, we have less jurisdictional ... we have no jurisdictional power outside the right-of-way. As you all know, the right-of-way itself isn't the curb of the street. It actually, on Lindbergh especially, is about 15 more feet south so we'll have developments that would appear to be all in the city and the first 15 feet of that really are not in the city and so in order for the developers to be able to fully deal with the city, we'd like to have that in for that reason.

We've also had dealings with developers looking at things such as transportation development districts or community improvement districts, and intersections out on Lindbergh or 21, again, aren't within the city's jurisdiction and so any kind of financing mechanisms of that nature would exclude the actual construction of new intersections and that has also hindered some of the plans that some developers had for maybe more expansive developments or redevelopments of intersections so we've run into that.

Another one of our interests is that we have a comprehensive parks and open space plan that has a fairly aggressive trails plan on it, and this year we completed the trail along Green Park Road that kind of linked the city with Clydesdale Park down there, the County's huge wonderful park down there that also connects its trail system to the trail that runs on the north side of the park that runs Gateway Trailnet's south extension of that. And so the city is trying to create trails all around the city and, again, with 21 and the right-of-way of Lindbergh being outside the city,

some of our plans for trying to get grants for those trails will be hindered by the fact that they're not actually in the city. So again, this is just over the 15–16 years of the city, we've noticed at various times, "Man, we wished we had that in the city." So it's not really a very, like I say, a grandiose request, but that is why we're doing this, and I'll be happy to take any questions that you might have about it.

CHAIRMAN SAUERWEIN: Does any member of the Commission have any questions for Paul Rost about the Green Park Plan?

ROST: Thank you very much.

CHAIRMAN SAUERWEIN: No questions. Thank you. Next on tonight's Agenda we'll hear from Sunset Hills.

JONES: Good evening, members of the Commission. My name is Bob Jones. I'm the city Attorney, City of Sunset Hills. With me tonight is Mayor Bill Nolan who will certainly be available as well if the Commission has any questions.

The City of Sunset Hills, for those of you who may not be familiar, is a fourth-class city with a population of 8,496 people as a result of the 2010 census. It's a city in good financial position with about \$5 million dollars in the bank. Approximately half of that is surplus. It's city services are located in three buildings south of Watson Road on Lindbergh Boulevard that house the Administrative Department, the Department of Public Works, Police Department, Parks and Recreation, and the Municipal Court and Judge. It's the desire of the City of Sunset Hills not to be landlocked so because of the length and duration of these Map Plan cycles, it's very important for the city to include the areas that have expressed interest in annexation in the Map Plan. And I say "the areas that have expressed interest" because it's been the decided pattern of the City of Sunset Hills not to aggressively pursue annexation. When citizens, residents show interest in annexation either through informal channels or a formal petition, the city will consider that. And there have been four prior annexations with a successful vote of the people in the City of Sunset Hills. These were Soyer [sounds like] Act annexations, not Boundary Commission annexations. But it's important, I think, for the city to keep its options open with regard to these areas because, frankly, there is no other municipality that extends this far south or that has interest in the areas that the City of Sunset Hills has included in its Map Plan.

It's sort of difficult to see on the Map which was provided to all of you exactly what boundaries each areas has so I'll briefly go through those so you can see them. They're largely the same as the presentation that was made in 2006 with a difference in Area Four.

But Area One is bounded on the north by Eddie & Park, on the south by Gravois, and on the west by the existing city boundary.

Area Two, again, is exactly the same as 2006. It's bounded on the north by Gravois, on the east by Baptist Church, on the south by Lindbergh, and on the west by the existing city boundary.

Area Three is the same as the 2006 Map Plan. It's bounded on the north by Lindbergh ... the existing ... the eastern boundary, excuse me, along Tesson Ferry, and then south by Kennerly, and then the western boundary is again the existing boundary of the city.

Area Four is a much larger area although most of it was included in the 2006 Map Plan as well, with some existing boundaries which are all contiguous. The 2006 Plan included the northern boundary, the existing city, Tesson Ferry, Lindbergh, and then on the east line, Lemay Ferry. The southeast portion, which is actually new as part of the 2012 Map Plan is bounded by Butler Hill but that area is a natural boundary because it is the boundary between the Lindbergh School District and the Mehlville School District. It looks a little wavy and a little crazy but we were careful to make it a natural and sensible boundary because it is the school district boundary. Then the balance of Area Four proceeds along Highway 21 to the river. The Meramec River is the boundary between St. Louis County and Jefferson County and it follows the river all the way along the western boundary of Area Four. Area Four was expanded primarily because we had interests from citizens in that area, and one of the public comments that was at the 2006 Hearing, similar to the one tonight, was from an interested resident in the area behind the Dierberg's Shopping Center along Langtree and Bridlewood, those streets in that area. So again, I want to stress that the city is most interested in pursuing those citizens that are interested in pursuing the city.

As far as the information that the Boundary Commission asked be provided tonight. Has the city considered phasing for these plans? Well, not directly because each has a different issue. Area One is almost completely residential. Area Two includes Lindbergh High School and then a lot of residential areas. And Area Three would only be logical if the city took some or all of Area Two. But I would say in terms of phasing, the area where the citizens have shown the most interest is the Enclaves at Notting Hill, which is adjacent to Kennerly Road, and everybody thinks is part of Sunset Hills, but there are 188 homes there, some streets that have already indicated that they wish to remain private, and certainly more than 75% of those 188 homes have indicated a desire to join the City of Sunset Hills. So if there is phasing as that term was used in the Boundary Commission's letter to invite us here tonight, that would be the first part of the phase assuming that those residents are willing to follow through with what they told us to date.

There is no immediate timetable. It's dependent upon the resident interest, but the city is not going to try to force any of these areas to become part of the City of Sunset Hills. It is important though, I think, that the city keep in mind the various components of its Map Plan because the size of a city is important and that's not only from a revenue generation standpoint, but also from a provision of services standpoint. The city is in good shape financially. It's capable of providing services to these areas. We've looked carefully at the numbers. We know that police protection for one would have to be augmented from its existing position, but that's something that the City of Sunset Hills welcomes because we feel that that's a very important component of the service delivery that can be given to new residents of the city and we would hope to continue to deliver the same level of service which would require us to have three officers for every 1,000 people within the City of Sunset Hills. Right now we have 25 police officers, 20 on patrol, 2 detectives, and 2 lieutenants, and then the chief of police so in order to assimilate these areas, we would want to include that same ratio of 3 officers per 1,000 citizens. Now the city has decided though that we would much rather grow by annexation because it's a more sensible way to do it so if indeed there are citizens, residents that are interested in annexation, the city would certainly consider it.

Another question asked in the cover letter was why the city is the best community to serve these particular areas and I would have to say that that is because the City of Sunset Hills is the only incorporated city in this south part of St. Louis County that is capable of delivering services to

particularly Area Four. The advantage that the City of Sunset Hills offers to the residents in these areas is extremely low taxes, a superior police department, a voice in adjacent zoning, a parks and recreation department that has recently been improved to add a community center and outdoor aquatic facility. The real estate taxes are the second lowest among all those cities that have a real estate tax within St. Louis County. The arguments that we'll make in support of any proposals that may follow the Map Plan will be those same arguments: the taxes, the police department, the ability to take part in a reasoned zoning process, enjoy the parks and recreation and all the other opportunities that the city has.

As far as the expression of interest by citizens, the areas that I would point out have certainly come to the city is the Enclaves at Notting Hill and then the area immediately adjacent to the Dierberg's Shopping Center, and we expect that there are, I know there's at least one of those residents who will address the Boundary Commission tonight.

I appreciate the opportunity to speak with you, and the Mayor and I will entertain any questions that you may have.

CHAIRMAN SAUERWEIN: Where is that ... the Enclaves at Notting Hill, which mapped area is that in? I don't see it on this map that we have. Is that in the Area One, Two, Three, or Four?

JONES: It is in Area Four. If you can see a street, Tanbridge [sounds like] that is shown right up immediately adjacent to the Sunset Hills southern boundary where it meets Kennerly Road.

CHAIRMAN SAUERWEIN: Right.

JONES: That area is the Enclaves at Notting Hill.

CHAIRMAN: Does anybody else on the Commission have any questions for Mr. Jones? [Inaudible] presentation. Thank you, Bob, very much. The next municipality that will be presenting tonight is Town & Country.

DALTON: Good evening, Mr. Chairman, members of the committee. My name is John Dalton and I have the great privilege of serving the City of Town & Country as its mayor. I am joined this evening by our city Administrator and Police Chief, John Copeland, who's here with me and together we are very appreciative of the opportunity to present to you our Map Plan. We were here in 2006 with a nearly identical Map Plan and my comments tonight will be very, very similar to the comments that I made then. I want to first tell you that the City of Town & Country, and I'm sure everyone in this room appreciates the service that you extend to this County and the communities which make it up. It's not an easy job. You've got a lot to consider and my city and its residents appreciate the work you do.

By Resolution R07-2012, the Board of Aldermen of the City of Town & Country have authorized and instructed me and the city to present our Map Plan to you this evening. Again, it is almost identical, if not identical, to the plan we submitted in 2006. We submitted it then like we submit it now because it is the right thing to do. It is the right thing to do. It meets our city's criteria and those criteria are three. Number One, is this proposal a logical and natural extension of our existing boundaries and fits within the City of Town & Country? Number Two, is the proposed

annexation consistent with the character of our community in terms of zoning lot size, density, property values, and appearance? The high quality of the existing office buildings in the annexation area are similar to the adjacent high quality buildings in Town & Country. And Number Three, can the City of Town & Country efficiently serve the annexation area with the full range of public services without adversely affecting provisions of quality services for existing residents with no adverse financial impact on the city's residents or the annexation area property owners?

Those three criteria were applied to the area that we've identified in our Map Plan and that is a 57.8 acre, 13 parcel tract of land. That's it. That's the sole purpose that we brought forward in 2006. That's what we're here talking about tonight and, as I said, it fits our criteria and we believe it is the right thing to do to proceed with annexation. It is the right thing for three essential reasons. This stranded island is surrounded on all four sides by two neighboring municipalities. You heard my friend, Doug Harms, from the City of Des Peres, say that it was in his Map Plan before when he was here five years ago. He mentioned that, like tonight, it was not an aggressive annexation, if Town & Country wanted to proceed with that annexation of the whole entire amount, he was fine with that. Well, I said then like I say tonight that's good by me too. We're ready to proceed with the whole thing if the City of Des Peres is not. Someone ... one of us should annex it and we are prepared to proceed.

This annexation is the logical and natural extension of our existing borders for three reasons. Police services, fire and EMS, and community standard, service, and expectations. We are in the neighborhood. We place a high priority on public safety, police service, and we are in the neighborhood every day. For the County to get there and serve these 58 acres, they have to travel through the City of Town & Country or through the City of Des Peres in order to access the area. That doesn't make a whole lot of sense, certainly not from an efficiency standpoint. Our police officers do a terrific job in protecting their ... our residents, and we would do the same for this area. Fire and emergency medical services – St. Louis County, as you heard from the City of Des Peres, does not provide fire and emergency medical services in this unincorporated area. The property owners must contract with a service provider to deliver those services, and the one that I'm aware of that they contract with is West County Fire and EMS. We do as well. They are a first-class provider. They serve the City of Town & Country well. The equipment that would be used in part to service this area or that is used to service this area is housed in a facility leased to West County from the City of Town & Country. They are doing a good job at what they do and they are serving this community, but they're serving it by contract, and contracts are negotiable and present inherent risks. I on behalf of the City of Town & Country do not believe that we should be taking contractual risk with fire and emergency medical services. In addition, the private property owners that are delivering ... that are providing those services are doing it at their own expense and they're assuming the risks associated with delivering services to area motorists and other visitors to their property. If your vehicle should, God forbid, catch on fire at the intersection of Manchester and 270, no one is obligated to put that out. If your car catches on fire in this unincorporated area, there is not a service provider that is required to put it out. I think you stand a probably a pretty good chance that somebody from West County Fire and EMS or the City of Des Peres is going to show up and help you, but the operative word is chance. If this were annexed into the City of Town & Country, we would bring this area under our contract with West County Fire and EMS and the City of Town & Country would have the consistent and regular obligation to provide those services and we would do it at no cost to the area residents including the business interests.

The third standard is community standards ... the third element that we believe supports annexation is community standard service and expectation. This 58 acres is not only small in geographic size, but it's isolated from other areas served by the County. We are asked regularly whether the quarry site is in Town & Country or Des Peres. People ask me all the time whether the Corporate Hill where the Scott Trade office is just by way of example are in Town & Country or Des Peres. They're neither. They are in a 58-acre stranded island that should be annexed into the City of Town & Country. In fact, last Friday I appeared ... I was down at the Missouri Health Facilities Review Committee on other business and heard an applicant come forward with a proposal to develop an assisted living facility on the quarry site. They want to put a substantial number of seniors needing assistance with their activities of daily living and, in many instances, memory loss or dementia inadequacies, into a facility on the quarry site. As that site starts to get developed and as it takes on residents of all types and interests, particularly those seniors that are seeking care from memory loss, I believe they deserve the standards and expectations that every other resident in the community deserves and that is those are provided by the City of Town & Country. The applicant said to the Committee that "Well, I notice that the Mayor of Town & Country is here, and he said at the last meeting that he would welcome Provisions Living building in his community, and we're here today seeking that authority and maybe he's going to testify in support." So here's an applicant putting in a very substantial development into an area and even that individual assumed that they were in Town & Country. In order to create a fully functioning community of residential, commercial, and retail interests, we believe that annexation's appropriate in this instance.

Finally, there are no negative impacts associated with this proposal. Town & Country does not have a local property tax. We would not be assessing a local property tax on residential or commercial interests in the annexation site. We provide police, fire, and EMS services at no additional cost to our residents, both commercial and residential. The County would be relieved of the cost associated with providing police protection in the annexation site as would the business owners that currently provide fire and emergency medical services at their expense and assuming additional liability for those services in the area. They would be relieved of those obligations. We have a very progressive development office which is constantly searching for ways to partner with our commercial interests to make them more productive.

I believe with my general remarks I've answered most of the specific inquiries that you are interested in. If I've missed any, I'm happy to answer questions now. You did talk about phasing, and we would do this in one phase, and we would expect to prepare a Plan of Intent within the coming year after continuing conversations with affected property owners in the annexation site. That concludes my prepared remarks. Again, I'm happy to answer any questions.

CHAIRMAN SAUERWEIN: Thank you, Mayor. Does any member of the Commission have any questions for Town & Country?

WILKERSON: You said that you presented this Map Plan back in 2006?

DALTON: Yes, ma'am.

WILKERSON: Why have you not annexed it between then and now? What was the holdup?

DALTON: There's no holdup. When the City of Town & Country's going to move forward, we want to do so with ... with the support of those that are affected and until recently we have not ... we haven't seen a whole lot of activity at the quarry site, but now that there is more, it has added a sense of urgency to our proceeding, and we intend to ... we've already been in contact with the County Councilperson that represents that area and, as I mentioned in my remarks, some of the applicants ... I'm sorry ... some of the potential inhabitants of that and we intend to work with them. If we are able to secure the kind of support that we believe will be forthcoming, then we will move more expediently.

WILKERSON: Have you ... do you have the support of the already existing businesses in there? There's no residential if I understand correctly.

DALTON: There is no residential that I'm aware of. Our interest in annexing this area is no secret and I have had no one come forward to me and say they were vehemently opposed. Mr. Kelly's here tonight. He's a friend of the city. He can speak for himself, and I'm sure he was ... he has some strong feelings on this and so I cannot, I would not speak for him, but we would certainly work with him as we move forward in the process.

DORSEY: Did I understand you right, Mayor, that if I'm on my way home tonight and I have an accident at the Kelly Overpass, nobody is required to come and assist me with regard to any injuries or if my car catches fire or anything else?

DALTON: You've picked an example that is in my belief, and I do not have the contract with me, that is served under their existing contract. The public roadways, 270 and Manchester, if you are on 270 ...

DORSEY: Right, if I'm on 270 at the Kelly Overpass ...

DALTON: If you are on 270 at the Kelly, that is correct. It's my understanding that there is no one obligated to do that. I do not dismiss the fact that we have very competent service providers in this area and they would not let you sit there unattended to as they were in the area, but we're talking about is legal obligations, not how they do their business. And I don't believe that we should leave that sort of ... that we should take that sort of chance with something as essential as fire and emergency medical services.

CHAIRMAN SAUERWEIN: Any other questions tonight? Thank you very much, Mayor.

DALTON: Thank you. I appreciate your time.

CHAIRMAN SAUERWEIN: As we said at the beginning of the Hearings tonight, the City of Twin Oaks will not be presenting, and we have moved their presentation to a Hearing to be held on November 27. Has anybody entered the room that wishes to make ... who came here with the intention of making a comment on the Twin Oaks presentation? We will hear from St. Louis County at this time.

POWERS: Hello. Once again, I'm Glenn Powers. I'm the Director ...

CHAIRMAN: Mr. Powers, before you start [inaudible] again and I will mention that the Mayor of Town & Country made some mention in his presentation about people wanting to

speaking. We don't know if they will or not, but again, I want to remind everybody if they want to fill out a card, please grab a card and fill it out and give to Michelle. Sorry to interrupt. Please go forward.

POWERS: Not a problem. As I was saying, I'm Glenn Powers. I'm the Director of Planning for St. Louis County. I come tonight with largely the same comments and remarks as I have given in previous meetings even dating back five years. They are basically that St. Louis County provides local government services for the unincorporated areas of St. Louis County. Those amount to large areas, one-third by land area and population approximately of all who ... of all the County ... about 300,000 residents ... that would make us the equivalent of the third largest city in the state of Missouri. We have the largest health department, the largest local police department, the second largest highway department. In short we're a willing and capable service provider and because of our size and efficiencies we offer contract services to over 90% of the municipalities in St. Louis County so we don't think contract services are such a bad thing and apparently neither do most of the cities. County-wide residents and businesses benefit from our efficiencies of scale because they do take advantage of those contract services. We'll be reviewing all the map proposals in more detail and submitting written comments on each of those at a later time, but in general a few comments about what we would view as good proposal basics.

First, and I bring this up because it was mentioned by Green Park, we don't favor split roadways, municipal boundaries that go down the middle of a road and thus put two different public safety entities in charge of one roadway either side so should either be all out of a municipality as it is in that case or all in. Shouldn't be any confusion there. Likewise, boundaries shouldn't split subdivisions. That goes to the whole community interest issue, and we should avoid the creation of small pockets or hard to service areas. And with that, I'm going to stop right there. I get briefer every time I speak, but I'm sure there may be some questions so I'll be happy to answer.

CHAIRMAN SAUERWEIN: We're not going to let you off that easy, Mr. Powers, I don't think.

CHAIRMAN SAUERWEIN: Well, I would ... since there's two municipalities who brought up this rectangular shaped area between Des Peres and Town & Country and both of who have talked at great length about no services being rendered to that area, can you speak to that or address that in any respect?

POWERS: No services being provided to that area?

CHAIRMAN SAUERWEIN: Well, they had mentioned particular fire, ambulance, but what does the County provide to that area right now?

POWERS: Well, the County doesn't provide fire services to any areas. That's typically done by the fire districts or municipal fire departments. But we do have large, independent fire districts such as West County, and West County provides service to the property owners of this pocket. And I think it's been highly satisfactory services. I've always considered this issue to be a bit of a red herring because all these buildings have to be insured and without proof of fire service they can't get insurance and so ... I don't know the details of the contract, but it's my understanding that it's a long-term contract and perhaps Mr. Kelly can

speaking a little bit more. But in practice, we haven't had an issue with that. They have fire service. They've always had fire service and I'm confident that will continue on in the future.

WILKERSON: Police service?

POWERS: Police service in unincorporated would be the ... it's within the jurisdiction of St. Louis County Police. Now, it is true that St. Louis County Police enters and exits this particular area through municipalities. From the unincorporated area down at the bottom of Manchester down the hill so ... that would be Manchester and Mason, that's basically you're back in an unincorporated area where County Police are on regular patrol. So, yes, they do have to do that. They don't have to come any great distance. Is it an inefficiency? I suppose it is. I'm not going to sit here and deny that it's not a pocket or that the normal criteria that you would use doesn't apply here. I think the issue comes down to, as many people have said tonight, what do the property owners and/or the voters/residents, what have you, what are their wishes in these areas?

DORSEY: Mr. Powers, I'm going back to my hypothetical accident on 270 at the Kelly Overpass. Is it true that this does not lie within any fire district so that in theory I could be left out there unattended to because nobody contracted for that area of Highway 270? If you don't know ...

POWERS: I don't know. I don't know, I think the point that's being made is that, yes, the property owners, the people who have expensive buildings that have to be protected, have to get insurance [both talking at same time] we're talking about the right-of-way. In theory, yeah, I don't know what the answer to that is. In practice, I know what the answer to that is. Of course not. You're going to be rescued.

CHAIRMAN SAUERWEIN: Are there any other questions from any other member of the Commission for Mr. Powers? Thank you tonight.

POWERS: Thank you.

CHAIRMAN SAUERWEIN: Now it's that point in our Agenda where we would entertain some public comments. Again, we'd ask you to keep your comments to three minutes ... and tonight we've received one public speaker form ... actually, there's some more coming. All right. We're going to hear from four speakers tonight, and the first will be Joe Kelley. Mr. Kelley, you have three minutes, please.

KELLEY: Thank you. I think I'd like to say to the Boundary Commission, I'd like to bring up the history of why this 50-some acres is unincorporated because I think it's important to look back at history, why it happened. In 1951, some 61 years ago, the Village of Town & Country failed to follow a correct procedure in following Missouri law which led then to a failed attempt to annex this area. This explains why Manchester/270 Office Center, the three buildings that I built as well as Corporate Hill as well as the quarry, why it's unincorporated. There was a single owner, Henry Heney [sounds like], the property owner that I bought the property 25 years ago. Then more recently in 1986 when I became involved in the area and did the zoning in St. Louis County, the City of Des Peres withheld fire and EMS services to me in attempt to stop me from developing the three buildings at Manchester/270. And then when this didn't work, in 1987, Des Peres and Town & Country filed a law suit in the aim of which was to stop my development

at Manchester/270. Yet today, ironically, both Des Peres and Town & Country are endeavoring to annex the very same development which they have so earnestly fought against. So, for the record, as one of the owners we unequivocally at this time are against any forced annexation of the area. There are various and sundry reasons which was not presented by the various mayors. Economically, it's not effective for us. Our contract with West County is approximately .24 cents a square foot for our 411,000 square feet, and yet the cities of Town & Country and Des Peres have utility taxes that are 6% and 7% where St. Louis County is 5%. They have merchant's license where you pay .20 or .25 cents a square foot for an office as a license so the bottom line is it costs more money to be in either one of the cities. So we would like to remain a status quo.

CHAIRMAN: Mr. Kelly, the three minutes is at an end if you could wind up your remarks.

KELLEY: Yes, just one final ... we feel also someone has erred in classifying us as... our unincorporated area as an unincorporated pocket. This is because according to Missouri law one of the perquisites of an unincorporated pocket is that said area must be in quotation "an unincorporated territory with an average residential density in excess of one dwelling per three acres." And that is not the case in our area, so therefore due to the current Map Plans that have been submitted tonight, we would like to request the Boundary Commission to halt any annexation until a corrected resolution can be provided. Thank you very much.

CHAIRMAN SAUERWEIN: Thank you for your comments.

KELLEY: Any questions?

CHAIRMAN SAUERWEIN: No, we'll move on to the next speaker at this point, and it's John Hoffman.

HOFFMAN: Good evening. I'm a Town & Country resident. I was an elected official for one term in Town & Country. Got your attention? Okay.

CHAIRMAN SAUERWEIN: I'm not checking my email. This is my timer.

HOFFMAN: Timer, all right. A couple of things. First of all, all the citizens of Town & Country appreciating the job you did. I'm sure they would if they had any idea you existed, but I'm guessing 98% of them don't. So two other things were mentioned earlier about Town & Country. One why ... why didn't they annex it earlier? I don't know even though I was an elected official, but I will tell you this, I live close by. There used to be a trailer on the lot at the quarry that it appeared that somebody lived in, if you get my drift. Okay, but here's the big reason why I'm here to talk to you. Thirty years in law enforcement and I have seen some crazy boundaries down middles of streets between Rock Hill and Brentwood and when I was a cop at Liberty, one lane here on I-35 Kansas city, two lanes here in Liberty. What a nightmare. It was worse. I was the Assistant Police Chief in Chevy Chase, Maryland. We have Chevy Chase Circle, not only was it a jurisdiction between two cities, it was two states and we couldn't get to residents houses without leaving the state of Maryland. So I mean I understand these issues. When I moved back here in semi-retirement, I took a job with a contractor out at MODOT. I sat out at MODOT at the Command Traffic Management Center during evening rush hour, and what did

we see ... and this is answering your questions about Kelly Overpass ... we would see accidents happening between Kelly Overpass and Manchester where it was clearly in the unincorporated county area. We would call the County. We would have non-injuries where the fire departments weren't showing up, but we'd have people on the side of the road waiting, waiting, and waiting. Here's why. Troopers, they're the first to go out of service during rush hour. They get swamped, they're done. Forget about calling them. The County Police, if they a couple of calls down here and this is their high call period, it's going to take them 35–40 minutes to get up there. If you do anything ... and I think it's government's job to look out for the public safety, that's your first primary deal even as the Boundary Commission, the heck with the commercial areas, please put I270 in a city. I mean we sat out there and I would look on cameras and wait and wait and wait and my fear was these people on the side of the road, somebody was going to hit them. I mean it's dangerous out there during rush hour, particularly the way people get confused and it backs up there and people are on their cell phones and everything else. So if you don't do anything else, please force somebody to take that section of 270. I mean the fire ... I've got to admit when we called the fire departments, they all went. There was no question of "Oh, we're not going to show up" or "Whose jurisdiction?" They did show up even though that's unincorporated and they had no contractual obligation to be there. So both Des Peres and ...

CHAIRMAN SAUERWEIN: Fifteen seconds ...

HOFFMAN: Okay, so if I got to say anything, help all the residents in the state of Missouri and people transitioning through the state of Missouri and put that stupid area in some city that offers police services where there will be a fast response time. Thank you.

CHAIRMAN SAUERWEIN: Thank you, Mr. Hoffman. And next on our speaker list is Ernie Rhodes.

RHODES: Thank you, Mr. Chairman. Good evening, Commission. I appreciate the time to speak ... and Mr. Dorsey, I'd like to clarify your question about whether the intersection of Interstate 270 and Manchester would be covered by a fire and EMS protection, and for the past 20 years, West County EMS and Fire Protection District routinely responds to that area and location all the time. We will continue to do that. And whether ... with all due respect to the Honorable Mayor of Town & Country, Mr. Dalton, he may be right about the legalese as far as our responsibility and it may be by chance, I don't know if it's right or wrong, but I can tell you as the Fire Chief, there is no chance. We will respond without a doubt. So thank you for your time, and I can answer any questions.

CHAIRMAN SAUERWEIN: Anybody have any questions for Mr. Rhodes? Okay. Thank you very much, Mr. Rhodes.

RHODES: Thank you, sir.

CHAIRMAN SAUERWEIN: Lastly, it looks like Matt Connelly.

CONNELLY: Thank you, Mr. Chairman. My name is Matt Connelly. I live at 5135 Kennerly Pines Court in unincorporated St. Louis County, and it's in the Sunset Hills Area Four. Five years ago I spoke with several of my neighbors about petitioning Sunset Hills for annexation, kind of got a lukewarm response. This time around, I did about a dozen neighbors and I got 100% response in favor of annexation, and I think that's primarily because of some of

the issues that are currently going on in unincorporated St. Louis County with service provision. You open up the paper and you see the County Police Chief saying that he can't pay his officers enough. You have the situation with the County Parks. I think there's just some uncertainty. Sunset Hills is a very well-run and managed city with the resources that myself and my neighbors would love to be part of to protect our single biggest asset which is our home value. Thank you.

CHAIRMAN SAUERWEIN: Thanks, Mr. Connelly. Are there any other speakers that wish to speak tonight? Public comment? Okay. Is there a motion to adjourn tonight's presentations?

DORSEY: So moved.

BERGFELD: Second.

CHAIRMAN SAUERWEIN: All right. With that, the public hearing tonight is adjourned.