

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

**TRANSCRIPT OF
BC2003 PLAN OF INTENT PUBLIC HEARING
SIMPLIFIED BOUNDARY CHANGE: TRANSFER OF JURISDICTION BETWEEN ST.
LOUIS COUNTY AND CITY OF VALLEY PARK, MISSOURI**

SEPTEMBER 22, 2020

COMMISSION ATTENDANCE:

Commissioners	Present (P)/Absent (A)
Rick Dorsey	P
Steve Frank	P
Tom Mooney	P
Ann Pluemer	A
Kathleen Schweitzer	P
Ben Uchitelle	A
Kyra Watson	A
Steve Wegert	P

OTHERS PRESENT:

Michelle Dougherty, Executive Director

Michael Hart, Legal Counsel

CHAIRMAN SCHWEITZER: All right. So, are we ... are we live yet, Michelle?

DOUGHERTY: Yeah, you're live.

CHAIRMAN SCHWEITZER: All right. Very good. Since it is 7:06, I will call this Open Meeting to order. This is Tuesday, September 22, 2020, and, as you know, we are live streaming on You Tube, and you can join by a Zoom call ... if you've registered and received the link. So we have an agenda for the Open Meeting. The first thing on

the agenda is a Call to Order to convene a Public Hearing of BC2003 – A Proposal for the Simplified Boundary Change: Transfer of Jurisdiction between St. Louis County and the City of Valley Park, Missouri.

DORSEY: Madam Chair, I suggest that absence of a quorum.

DOUGHERTY: You don't need a quorum for your public hearings.

DORSEY: Okay.

CHAIRMAN SCHWEITZER: We do not, but thank you, that's good to know.

DORSEY: I wanted it on the record.

CHAIRMAN SCHWEITZER: Very good. Thank you so much. So, following the agenda for the public hearing, ordinarily we do an introductory remark, and again, as you know, this is a public hearing to hear a proposal from Valley Park on the Proposed Simplified Boundary Change Transfer of Jurisdiction. Like to begin with a few introductory comments regarding ... relating to the Boundary Commission.

The Boundary Commission is an independent government body that reviews boundary change proposals in St. Louis County. It derives its authority from the state statutes and from St. Louis County Ordinance. The Commission is comprised of eleven members along with our two staff members, our Executive Director, Michelle Dougherty, and our Legal Counsel, Michael Hart. The Commissioners are all appointed according to the following: four are appointed through the St. Louis County Municipal League on behalf of Mayors of Small Cities, Mayors of Mid-Size Cities, and Mayors of Large Cities, four members are appointed by the County Executive and three Commissioners are joint appointments of the Municipal League and the County Executive. We meet monthly with additional public hearings scheduled as necessary to consider Map Plans and Boundary Change proposals.

Tonight's public hearing is ... provides an opportunity for the City of Valley Park and St. Louis County to explain and comment on the Proposed Simplified Boundary Change Transfer of Jurisdiction. The area assigned File Case Number is BC2003. Public comment will be directed toward the Simplified Boundary Change Transfer of Jurisdiction being discussed tonight, and the Commission staff will be available after the meeting to answer any questions regarding the process. The Commission welcomes your participation in public comment section of tonight's public hearing, and I believe we have five members of the public who have requested to speak. If you've not yet requested to speak, you can still do so however during the hearing by completing the form found on the link on YouTube under Public Comment. We ask that you do that prior to the end of the City's presentations. If you are going to be speaking, you will be allotted five minutes. We do ask that you respect the time limits. The Commission will also take public comment either by letter or email for up to 21 days after tonight's meeting. Those comments will also be made a part of the public record.

As a reminder, no decision will be made tonight. The Commission will review the information in the proposal by Valley Park and your comments and any comments that we receive within the next 21 days. We have four months to make a decision, but that four months begins with the acceptance of this Proposal as complete, which I believe was August 13, 2020 ... Michelle, at our meeting, is that correct?

DOUGHERTY: No.

CHAIRMAN SCHWEITZER: So the decision date then is December 13, 2020.

Valley Park and St. Louis County will each have a maximum of 15 minutes for their presentations. We ask that you respect that time guidance, and I will ask the Commissioners now to introduce themselves and indicate their residence and their appointing authority. So, we will begin with Rick Dorsey.

DORSEY: [no sound]

CHAIRMAN SCHWEITZER: You're muted, Rick. You're going to have to unmute.

DORSEY: I'm Rick Dorsey. I was appointed by County Executive Charlie Dooley to represent Unincorporated North County, and that's where I live in.

CHAIRMAN SCHWEITZER: Next, Steve Wegert, please.

WEGERT: I was appointed by the Mayors of Large Cities representing North County. I live in Ferguson, and glad to be here.

CHAIRMAN SCHWEITZER: Commissioner Mooney.

MOONEY: I was appointed by the County Executive to represent Incorporated Areas in the County, and I'm a resident of Clarkson Valley.

CHAIRMAN SCHWEITZER: Steve Frank.

FRANK: Steve Frank. I was appointed by the County Executive, and I live in Florissant.

CHAIRMAN SCHWEITZER: I believe that's all the Commissioners that I see present. Is that correct, Michelle?

DOUGHERTY: Yeah.

CHAIRMAN SCHWEITZER: Okay. And I'm Kathleen Schweitzer. I am the current Chair of this Boundary Commission of St. Louis County. I was appointed by the County

Executive Charlie Dooley, and I live ... to represent Unincorporated West St. Louis County. That's where I live.

All right.

HART: Does Steve Frank have a Ben Uchitelle's proxy just in the unlikely event something would be needed?

FRANK: I do ... I do not.

DOUGHERTY: There's no proxy needed on a ...

CHAIRMAN: Refer to Mike. This is just a public hearing.

HART: Right.

CHAIRMAN SCHWEITZER: Okay. Having said the Introductory Remarks, we'll have now the presentation of Valley Park and St. Louis County, 15 minutes maximum, and then the Commissioners are typically allowed to ask questions of the presenting party. Valley Park. Would you like to go first? And who's going to present for Valley Park?

ENGELMEYER: This is Tim Engelmeyer. Can you all hear me okay?

CHAIRMAN SCHWEITZER: Yes, we can.

ENGELMEYER: Okay. I guess my first question would be to Michelle. Do I run the PowerPoint or are you going to handle it from your end?

DOUGHERTY: I need to give you access to screen share, and then you run the PowerPoint yourself. I do not have the PowerPoint here.

ENGELMEYER: I can ... I can ... run it if you give me the screen share, I will call that up and

DOUGHERTY: All right, I just changed it so you can screen share.

ENGELMEYER: Okay, see I can get this figured out. Give me a second here and I'll pull up PowerPoint, okay. Can everybody see that okay? Is that good enough?

CHAIRMAN SCHWEITZER: Very nicely, thank you, yes.

ENGELMEYER: Perfect. Members of the Commission, Ms. Dougherty, and Mr. Hart, I want to thank you for allowing Valley Park to present to you ... at least present for the public hearing tonight on BC2003. I am the attorney for Valley Park, one of the

proposing entities of this Boundary Adjustment Transfer of Jurisdiction. The other proposing entity is St. Louis County represented by, I believe, Bob Grant is on and Gail Choate as well is on the Zoom call as well through the County Counselor's Office.

I'm going to go over the eleven factors required for examination by the Commission, but in reviewing all this I wanted to kind of insert a twelfth factor that isn't necessarily on the list, but, I think it is very important for the Commission to at least be aware of. That ... that twelfth factor is that both sides, Valley Park and St. Louis County, support and are in favor of this ... of this proposal. There are no residents, no voters in the proposed area, and there's really just one business that operates within the area and that business also supports this request, so it's really supported on three different ends.

On to the eleven factors. As the Commission, I'm sure, is well aware, these are the eleven factors that I'm required to go over with the Commission today. Many of these factors do overlap and so, for example, compactness and logical boundaries kind of overlap, tax issues overlap. What I've done is I've broken these eleven factors down into four categories that I think will allow me to get everything within the fifteen-minute timeframe.

The first one will be Physical Characteristics than led to this adjustment. Second will be Services. Third will be Taxes, and the fourth will be Zoning.

First, Physical Characteristics. I'm going to go down to the legal description. Obviously, this is tiny, but rest assured we have provided the Commission the legal description for the area in question. I just wanted to throw that in there just so you know that you have the legal description shared with the Commission.

General Information about the Property. The property is 527 acres, but it consists of three parcels. There are no residents, no dwelling units in this area. There's one business who's operated in the subject area for more than thirty years, and they operate on the two northern-most parcels of the property. There is an affiliate business that owns the southern-most parcel.

Obviously, compactness. The ... as you can see from this slide, the area that we're talking about is to the left and if I kind of toggle back and forth, you can kind of see what it looks like before and after. So, this is before transfer. This is what it would look like after transfer. I think after transfer, it's still a contiguous body. It doesn't stick out like some sort of peninsula. It fits within the natural flow of the City. There's one street connection to the subject area which is Outer 44. You must go through the City of Valley Park to access the area that's before you today. All internal roads and paths are private. There's no subdivisions that are being split. No barriers to the prevention of services to this area. It's contiguous with the city limits. Twenty-five percent of the subject area is directly bordered by the City, and it provides logical westward expansion of our city boundaries. There are no unincorporated pockets created by this proposal.

Now, this is a map of the north on top map of the subject area. If you ... just to familiarize everyone with what area we're talking about, to the north of the subject property is the Meramec River, to the south is Interstate 44, and about, as you can see, about half of the property to the ... on the north side is a large quarry. There's train tracks that cut through the middle of the subject property, and if you notice in the middle, right below the train tracks, that is the current operational area of the property. That is an asphalt and recycling plant run by Simpson Materials or Simpson, and that's the area that's being utilized for the business at this point. As you can see, to the south of the business area, there's a black-checked line, that is a construction easement which I'll get into in a few minutes, but that is also part of this proposal. The point of this slide is that there's really only one way in and one way out of this property and that's through Valley Park, and it's through the Outer Road.

I'll move on to Services. Here's a breakdown of the services provided pre-and-post-boundary adjustment. Under the proposal, the City will take over flood management, parks and recreation, and most important, code enforcement. On the code enforcement side, we have Valley Park down afterwards, but Valley Park is in the process of contracting with St. Louis County for problem properties, so afterwards there will be a ... some St. Louis County code enforcement involved. The City will also handle municipal courts and planning and zoning as it pertains to this area.

The timing and cost to provide services. Valley Park is committed to provide services immediately upon transfer. Our Director of Public Works has provided a statement for the record which I sent to Miss Dougherty a little bit earlier, and it speaks for itself. Again, this is the same ... I want to give an overview to touch on the construction easement. As a part of this ... this process, the parties have agreed to what's called a "Construction Easement", and this is it. It covers a lot of the south-end of the property, and there was a tremendous amount of discussions with St. Louis County and their Planning Department while we were going back and forth on what each side was looking to benefit by this proposal, and one of the very important things to St. Louis County was to conserve the natural look of the northside of I-44. They wanted it to be protected. There's the ... I believe it's called the Henry Shaw Corridor that runs along 44. It's a beautiful area to drive through, especially in the fall, and as a part of this proposal, this area is going to stay green in perpetuity. No development forever on this ... on this ... on this area. We went out ... if you look here, you can see the proposed easement, which is in yellow that goes to the south along 44, and then goes up to the west side of the property. We did take a drone picture last week that I think is a great ... it's a great picture of what we're talking about protecting this area of the highway. If you look to the right, that's the existing Simpson Asphalt and Concrete Plant. That is currently operational and has been for thirty years. To the left is that corridor, that easement that will remain that way to protect I-44 and the view along I-44. That will stay wooded and non-disturbed.

Taxation of the Property. If you look at this slide, 52% of this piece of property is assessed at a commercial rate; 48% is assessed at agricultural. That's currently. I know this slide might come across as a little bit small for you to read, but as you can see for

... there is a slight increase for both real and personal property under this proposal so it goes from 8.6 to 9.2, and existing personal property goes from 8.8 to 9.4. Again, there's only one property owner on this particular piece of property, and he's been provided all of these numbers and is in agreement with the ... with the proposal and the numbers.

Here's the rates for agricultural. As you can see, real property would stay the same under agricultural; however, under personal property as it's assessed under the agricultural section would go from 8.8 to 9.4.

We did assess other taxes, fees, and surcharges for the Commission and the general public's view. These are other taxes that are not related to real and personal property on the previous slides. As you can see from this slide, the County Utility Tax of 5% of gross receipts is taken over by Valley Park, so that's a flip-flop right there. There's a combined 1% increase reflected under the Valley Park Storm Water and Capital Improvements Sales Tax and a business license fee based on gross receipts. The business license fee is down at the bottom, the second from the bottom; and again, all of these numbers have been gone over with the one person who owns property in the proposed area, and they have no objection to these increases.

Impact on the Taxpayers. About .567 increase in commercial real property taxes, about .57 increase in personal property taxes, 1% increase in sales tax, and again one business in the subject area who of the transfer.

Impact on the Tax Base. The financial impact on the City is as follows: the additional revenues based on the numbers that we've received from the one tax-paying entity in this ... in this proposed area is an additional revenue of \$75,000.00 in 2021, \$76,000.00 in 2022, and \$78,000.00 in 2023. Obviously, that's assuming that we don't have any major additional catastrophes like we've had in 2020. The additional expenses to the City, we estimate as zero. We haven't had anything that reflected an increase in that.

The Impact on the Tax Base for the County. It does cause a minor reduction in the County's Utility Tax Base. Taxable Sales on the property remain in full, so no reduction in sales revenue. There's no impact on CART Fund since the only road that we're talking about is an outer road or private roads. No impact on real personal property tax base, and no impact on commercial assessment.

As far as the impact on the County, the County retains all existing sources of revenue except for the Utility Tax. There's an estimated loss of revenue of around \$7,776.40. We took the total County revenue, and I'm sure this has been put before the Commission in other examples, but the percent of County revenue affected under this proposal is ... is miniscule, and we based that on history in 2019.

There are some ... there's some information regarding some zoning, but I'd like to go over as a final part of the presentation. The existing land use is industrial 73%, vacant is 27%, and residential is 0%. I do have Anna Krane from PGAV who has ... who is a planner who would ... is available to explain the Planning and Zoning and how that's

transitioned with the proposed transition from the existing zoning to Valley Park zoning. Michelle is there a way that we could bring in Anna so she could explain the zoning applications.

DOUGHERTY: Anna just needs to unmute herself and start her video and she can start talking.

CHAIRMAN SCHWEITZER: I would like to caution you, Mr. Engelmeyer, that right now, you've got about four minutes left.

ENGELMEYER: Okay. All right. I'm at the very end, and I think if maybe Anna could maybe get through this zoning area, I will conclude my comments.

DOUGHERTY: We don't hear you, Anna.

KRANE: Do you hear me know?

DOUGHERTY: Yes, we can.

KRANE: Okay, if you want to go to ... this ... plan for Valley Park with zoning, we've advised the City to bring this in under a Planned Industrial Development Zoning District. We reviewed all of the zoning districts of the City. We reviewed the existing properties. The property owner at this point is intending to maintain the current business functions so we felt that an Planned Industrial District is the best for the City so they'll be able to review the site plan based on exactly what the uses are today and what the property owner and business owner plan to do in the future, and it kind of covers similar regulations to conditional use permits, site plan review and other extra regulation authority that the City has through the Planned Development District. So, in the next slide, you can see here, based on the zoning map, we advised them of this. It's also in keeping with what else is happening around the property so you'll see that there are some nonurban areas, and that's also what the ... the map is showing for that Conservation Easement Area that Tim talked about. So the connection to the property currently comes through the Industrial District in Valley Park so the reason we did the Planned Industrial is what we proposed as opposed to just plain Industrial is so that the City has this extra regulatory authority over how the property is operated.

ENGLEMEYER: Thank you, Anna. The proposed effective date would immediately upon the Boundary Commission's adoption of its written report as soon as possible after that adoption.

I just wanted to conclude by saying that the analysis of the eleven factors and the additional one factor support approval. We believe that it's a win for all the parties involved. St. Louis County accomplishes the goals that they had set out when we began talking about this. Valley Park will invite new business and a long-time resident and his business into our City. We have 72.28 acres that are going to be preserved forever with the minimalist impact on County revenue. And one thing I wanted to mention, and it is

covered in our ... in our Public Works Department comment, Valley Park has a tremendous amount of experience in ... in floods as everyone knows, and we handle floods well. We're used to floods. We know how to react to floods, and one of the things that we will provide that's a huge benefit not only for the business that's there but also will take some relief off of St. Louis County, is having to deal with flood issues in the area. We're well-equipped to handle it and, you know, it will be a part of our flood strategy any time we have a high-water event. So, we think we can offer that to this particular area as well. The City in turn increases its tax base. We grow westward. There's really no residents in the area, and the property itself can only be accessed from the existing roads through Valley Park.

So, I want to thank the Commission, Ms. Dougherty, for all the help in preparing for today, Mr. Hart, Ms. Choate, and Bob Grant, and with that I'll turn it back over to the Chair.

CHAIRMAN SCHWEITZER: Thank you very much. Thank you for your presentation. I will at this juncture ask any of Commissioners if they have questions for Mr. Engelmeyer.

DORSEY: Just have a request of Mr. Engelmeyer. Sir, would you please provide us with copies of your PowerPoint?

ENGELMEYER: Yes, sir.

DORSEY: Thank you.

MOONEY: I request as well.

CHAIRMAN SCHWEITZER: Go ahead. Was that you, Tom?

MOONEY: Yeah, I was saying that was the same thing I was going to ask. Thank you.

CHAIRMAN SCHWEITZER: Okay. Any other Commissioners? Steve, do you have any comments or questions for Mr. Engelmeyer?

WEGERT: Nothing for me.

CHAIRMAN SCHWEITZER: Okay. That's one for you. We have two. Steve Frank, do you have any questions for Mr. Engelmeyer? Steve Frank? You're muted. He's not unmuting so I'm going to assume Steve has no questions.

Mr. Engelmeyer, I do have one.

ENGELMEYER: Yes.

CHAIRMAN SCHWEITZER: I'm kind of assuming that the purpose of this Simplified Boundary Change is to garner additional tax relief in Valley Park. Is that a fair statement?

ENGELMEYER: It's a fair statement. I mean we're not going to take on 537 acres without having some way to ... about there's being some kind of benefit to the City. And this business is a business that ... that ... that in a ... in a related way has been a part of the Valley Park community for a long time, and Mr. Simpson has invested in the community in other ways, and he has businesses in downtown Valley Park. He's been a resident of Valley Park for many, many years as well as his family goes back generations, so yes. I mean obviously it's been a ... it's been a ... tax revenue that's certainly always helped, but there's more to it. We ... the emphasis originally was that we would like to have this property for a variety of reasons, but that was certainly one of them, yes.

CHAIRMAN SCHWEITZER: Okay. Thank you very much. I will now ask St. Louis County to present.

DOUGHERTY: Actually, Kathy, because it's a joint proposal we don't have their own ...

CHAIRMAN SCHWEITZER: They're not doing their own. Okay.

DOUGHERTY: If St. Louis County has any comments to make, there are representatives from St. Louis County on the call.

CHAIRMAN SCHWEITZER: All right. Well, Anybody from St. Louis County? So, hearing nobody, I will move on ...

DOUGHERTY: Gail ... Gail just ...

CHOATE: I just unmuted. I just wanted to just say hello. Gail Choate, Acting Director of the County Planning Department. I just wanted to say that the County is supportive of this Transfer of Jurisdiction, and we're very interested in that Conservation Easement of the property that fronts along 44 so that's all I have to add.

CHAIRMAN SCHWEITZER: All right. Very good.

CHOATE: Thank you.

CHAIRMAN SCHWEITZER: Thank you. I will move on, therefore, with the agenda. The next thing on the agenda is Public Comment and according to this the first person to do a public comment is Grant Mabie Are you there, Grant?

MABIE: I am. Good evening. I don't have much of a public comment this evening. Any public comment I have I'll submit at a later date in writing. Just very briefly for a point of clarification, I think the last slide that Mr. Engelmeyer had was correct in how we classified the business owner. He may have mis-spoke when he said the business owner was the owner of the northernmost property. They are a tenant leasing the property, but any other remarks I have, I'll submit in writing.

CHAIRMAN SCHWEITZER: All right. Very good.

MABIE: Thank you.

CHAIRMAN SCHWEITZER: That was fast. The next person to comment is Anna Krane. Are you there with us, Anna?

KRANE: I just had to register so I could get access to talk earlier.

CHAIRMAN SCHWEITZER: Okey dokey ... and out loud. You're talking twice. The next person is Mark Simpson.

SIMPSON: No, I pass.

DOUGHERTY: Could you repeat that, please?

SIMPSON: Pass.

DOUGHERTY: Pass. Okay.

CHAIRMAN SCHWEITZER: The next speaker is Tim Engelmeyer. Were you speaking again? Or no?

ENGELMEYER: No, I was just making sure that Michelle had me on the list to speak. I'm done.

CHAIRMAN SCHWEITZER: Okay. Very good. The next speaker is Mike Doster.

DOSTER: Doster is correct. Thank you, Chair Schweitzer. I'm the attorney for the Simpson entities, and I wish to pass as well.

CHAIRMAN SCHWEITZER: All right. Very good. The next speaker, last, but of course not least, is Chandra Webster.

WEBSTER: Thank you, Madam Chair. I had submitted my information in writing earlier today.

CHAIRMAN SCHWEITZER: Okay. Very good. So, you're submitting a written comment then.

WEBSTER: Yes, ma'am. Thank you.

CHAIRMAN SCHWEITZER: All right. Very good. Wow! Those were the fastest public comments ever. Given that I don't believe we had any other additional requests to speak from members of the public during the hearing ... Michelle, is that correct?

DOUGHERTY: There have been no additional requests.

CHAIRMAN SCHWEITZER: Very good. Given that that is the case, then we will adjourn this open meeting. I'd like to thank everyone for coming ... for zooming with us, and thank you again, and have a good evening.