



April 29, 2005

HAND DELIVERED

Honorable Charlie A. Dooley
St. Louis County Executive
41 S. Central
Clayton, MO 63105

**Re: Annexation Proposal by City of Ballwin Designated as the Kiefer
Creek Valley Area - BC0410**

Dear Mr. County Executive:

I am enclosing the St. Louis County Boundary Commission's Summary of Decision for the Proposal submitted by the City of Ballwin, Missouri, for the area designated by the City as the Kiefer Creek Area. The Commission disapproved this Proposal as a Boundary Change—Annexation. Members of your Planning Department attended the March 22 meeting and are aware of the disapproval.

If you have any questions, please do not hesitate to contact myself or our Executive Director, Courtney Irwin, at the Commission office.

Sincerely,

Matthew H. Armstrong
Chairman
Enclosure

cc: Honorable Robert Jones – Mayor of the City of Ballwin (w/ encl.)
Glenn Powers – St. Louis County Planning Department (w/ encl.)
Tim Fischesser – St. Louis County Municipal League (w/ encl.)
Suzanne Pratl – St. Louis County Clerk (w/ encl.)

Before the Boundary Commission, St. Louis County, Missouri

)
)
)
) File No. BC0410
In re: Proposal of the City of Ballwin)
) Area within the Kiefer Creek Valley
)
)

**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF THE AREA WITHIN
THE KIEFER CREEK VALLEY
CITY OF BALLWIN, MISSOURI**

Pursuant to Section 72.405.2, RSMo. (2002), in disapproving any boundary change proposal, the St. Louis County Boundary Commission (the "Commission") is required to issue a document indicating the reason such proposal was disapproved.

The Boundary Change submitted by the City of Ballwin (the "City") was disapproved for the following reasons:

INTRODUCTION

On the 1st day of July 2004 the City deposited its Official Submittal (the "Proposal") with the Commission wherein the City proposed to annex an area currently within the boundaries of St. Louis County, Missouri, and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The area is located immediately to the south of the City and includes approximately 335 acres. The City refers to the area as the Area Within The Kiefer Creek Valley (the "Area") and the Commission has adopted this designation. In response to the completeness review performed by the Commission staff, the City submitted a revised Plan of Intent on July 13, 2004. As revised, the Commission deemed the Proposal complete.

On August 31, 2004, pursuant to Order of the Commission and statutory public notice, the Commission held a public hearing on the Proposal at the Woerther Elementary School. At the public hearing, the City was permitted to present evidence in addition to the Proposal and representatives of the St. Louis County government were permitted to present evidence in response to the Proposal. Public comment was received from anyone in attendance wishing to speak. During the public hearing, members of the public were also notified by the Commission Chairman that they, as well as others not in attendance at the public hearing, could submit written comments to the Commission within 21 days following the date of the public hearing. Written comments from the public were received following the hearing. St. Louis County government also provided additional,

detailed, written comments on the Proposal in the form of a written report dated September 21, 2004 (the "Report").

The Commission makes the following findings based upon: (1) the Proposal submitted by the City; (2) information provided by the City at the public hearing; (3) information presented by representatives of St. Louis County government at the public hearing and in their subsequent written comments; (4) the public comments received by the Commission at the hearing; and (5) the written comments received within 21 days after the hearing.

GEOGRAPHIC

The City submits that the Area contains approximately 335 acres, and is bordered on the north by the City limits and is otherwise surrounded by unincorporated St. Louis County. The Area includes subdivisions located immediately south of the City which are accessed from Kiefer Creek Road. The Area overlaps with the western portion of the area to be annexed (the "Ellisville Area") pursuant to the Official Submittal of the City of Ellisville (the "Ellisville Proposal").

The Proposal indicates that the City is 34% contiguous to the Area, thereby meeting the statutory contiguity requirements. By itself the proposed annexation would not create any unincorporated pockets, however, the combined effect of the Proposal and the proposal previously submitted by the City of Wildwood, (the "Wildwood Proposal") would be to create an unincorporated pocket to the northwest of Ballwin's proposed annexation area, between the Cities of Ballwin and Ellisville.

FINANCIAL

The City and St. Louis County presented evidence of the financial impacts and benefits the proposed transfer would have on the Area and St. Louis County.

Impact on the Area

The Report indicates that annexation of the Area would have a minimal impact on the residents and property owners of the Area. The City established that real property or personal property taxes would not change as a result of the annexation and the utility tax would remain the same as the five percent (5%) gross receipt utility tax currently imposed by St. Louis County. Evidence presented by the City demonstrates that the sales tax will increase from 6.075% to 7.075%, but no commercial properties exist in the Area, thereby limiting sales taxes to items such as automobiles that are purchased by residents of the Area.

The Proposal does not indicate any plans for capital expenditures in the Area or to hire additional personnel to provide services to the Area, but it does anticipate equipment purchases that are to the benefit of the entire City.

Impact on St. Louis County

The Report indicates that St. Louis County will annually lose approximately \$288,963 from the Area. The Area is within the Big Bend-Oak-Kiefer Creek Corridor Traffic Generation Assessment Trust Fund Area. The Proposal states that the "City has no legal authority to require participation in the fund," thereby indicating that the City will not participate in the Traffic Generation Assessment Program. Based on the foregoing, the commission finds that the loss of revenue that would result from the proposed annexation would not be an insignificant loss to St. Louis County and would have some negative impact on the provision of services to citizens of St. Louis County.

SERVICES

Most services would be taken over by the City except for those for which the City contracts with the County, including permits and code enforcement relating to electrical, explosives, elevators and conveyors and amusement rides, and certain rodent and animal control services.

The City will take over solid waste collection in the Area upon annexation through a contract it has with private haulers. At the public hearing, residents expressed concern that in certain subdivisions the solid waste hauling services provided by the City of Ballwin would be at an increased cost to those residents even though the private hauler with whom the City contracts is the same private hauler with whom those subdivision associations contract.

LAND USE AND ZONING

The Report indicates that annexation of the Area would result in few nonconformities based on slight differences between the City and St. Louis County zoning requirements on maximum density, setbacks and height requirements.

DECISION

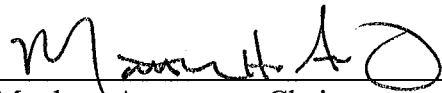
At a public meeting of the Commission on March 22, 2005, with required statutory notice having been given, the Commission reviewed and discussed the Proposal and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the Proposal, a motion was made to reject the Proposal as a Boundary Change – Annexation, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the Commission from that meeting, which is incorporated by reference herein. The vote of the Commission was eight (8) in the affirmative and zero (0) in the negative with three Commissioners having been absent. Pursuant to the Rules of the Commission, the motion carried and the Proposal was rejected.

Pursuant to the foregoing vote, the Commission determines that the Proposal is not in the best interest of the City, the Area, or the unincorporated territories affected by the Proposal, and of those areas of St. Louis County next to the Area. In consideration of the best interest test required by applicable statutes and the rules adopted by the Commission, it is the opinion of the majority of the Commission members that the Proposal should be disapproved as a Boundary Change—Annexation. Based on all of the circumstances, including the Proposal and the evidence presented to the Commission, the Commission has determined that disapproval of the Proposal is appropriate and justified by all of the factors available to the Commission for its consideration.

NOW THEREFORE, as of Tuesday, April 26, 2005, the Proposal shall be, and hereby is DISAPPROVED, as a Boundary Change—Annexation.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI



Matthew Armstrong, Chairman

April 29, 2005
Date