



BOUNDARY COMMISSION, ST. LOUIS COUNTY
NOTICE OF ANNEXATION PROPOSAL AND PUBLIC HEARING

In accordance with Chapter 72 of the Revised Statutes of the State of Missouri, notice is hereby given that the Boundary Commission, St. Louis County will conduct a

Public Hearing on Monday, September 20, 2004 at 7:00 p.m. at Valley Park High School, 1 Main Street, Valley Park, MO 63088.

For the purpose of giving parties in interest and citizens an opportunity to be heard on the following boundary change proposal:

Proposal No. BC0411. A proposal for the annexation of the "Peerless Park Annexation Area" which encompasses an area of 0.8 square miles and was submitted by the City of Valley Park, Missouri, on July 1, 2004.

The Boundary Commission, St. Louis County, invites public comments on the proposals submitted for public hearing. Written and oral comments may be presented to the Commission in conjunction with the Public Hearing or written comments may be received for a period of twenty-one days after the close of the Public Hearing and will be filed for reference of the Commission.

A copy of the proposal, which includes the proposing agent, a copy of a map depicting the proposed annexation area, legal description, the plan of intent and required certifications as received from the applicant, is available in the office of the Boundary Commission, St. Louis County, 168 N. Meramec Ave., Suite 140, St. Louis, Missouri, 63105, weekdays, during regular business hours, 9:00 a.m. to 12:00 p.m. and 1 p.m. to 3 p.m. If you have any questions regarding the proposal scheduled for public hearing, please contact the Boundary Commission, St. Louis County, at (314) 863-3005.

Persons requiring accommodation to attend and participate in the Public Hearing should contact the Boundary Commission, St. Louis County, in writing at: 168 N. Meramec Ave., Suite 140, St. Louis, MO 63105 or by telephone, (314) 863-3005, at least two working days prior to the hearing.

Kim Miller
Executive Director
Boundary Commission, St. Louis County

July 20, 2004

Valley Park

Received Proposal: 7-1-04 Approx. 1:00pm

Type: Annexation

File Case #: BC 0411

✓ Completeness: H/Lwd + Wbr
Letter to proposing agent, due by:
Their Reply, due by:
Memo to Commissioners

Notification:

✓ ~~County~~

✓ ~~County Clerk~~

✓ ~~Their Clerk~~

~~Other Taxing Parties~~

~~Phil Sutin~~

✓ ~~Other adjoining Clerks' Name~~

Public Hearing:

✓ ~~Set Date~~ - 9/20/04

NOTIFICATION of this to all of the above

Valley Park High School

Set Agenda

Give DH Speaker forms, etc.

Post 24 Hrs in advance at:

BC Office Door

County Bulletin Board

Municipalities Office

Location of Hearing

Hire Alobar's to Record

Make Directions for Commissioners

Make Worksheet

DATES SUMMARY:

Received:

Next Regular Commission Meeting Date:

Public Hearing:

21 Days After Public Hearing:

(to officially receive public written comment)

BC Review Must Be Complete By:

ARTICLE VII PUBLIC HEARING

As part of the Commission's review and consideration of all proposals, a public hearing will be provided for and conducted in the manner provided herein:

A. Setting of Public Hearing - The Boundary Commission shall establish the date, time and location for the public hearing.

B. Notification of Public Hearing

1. The "Notice of Proposal and Public Hearing" shall serve as the official notification of the receipt of a proposal and the setting of the public hearing. "The Notice of Proposal and Public Hearing:"
 - a. Shall be published, at the expense of the proposing agent, in a newspaper of general circulation in St. Louis County, qualified to publish legal notices, at least fourteen (14) days prior to the public hearing.
 - b. Shall contain the date, time and location of the public hearing and be in a format as provided by the Boundary Commission.
2. Publication of the "Notice of Proposal and Public Hearing" for a boundary change proposal or established unincorporated area proposal shall be the responsibility of the Boundary Commission and shall take place within twenty-one (21) days of the official submittal.
3. Written notification of the submittal of a proposal and the public hearing
 - a. Shall be provided to each of the following:
 - i. The St. Louis County Clerk,
 - ii. The clerk of each municipality which adjoins the area covered by the proposal,
 - iii. All governmental entities with authority to impose taxes that provided municipal-type services in the area covered by the proposal.
 - b. Shall be the responsibility of:
 - i. The Boundary Commission to provide such notification within twenty-one (21) days of official submittal for all boundary change proposals.
 - ii. The proposing agent to provide such notification prior to official submittal and to confirm at the time of official submittal that notification was provided for an established unincorporated area proposal.
4. Other Notifications
 - a. Prior to the public hearing, the Commission may issue a news release to announce and describe the proposal.
 - b. The Commission may publish additional notice in newspapers of local interest and circulation to supplement, but not substitute for, the official notification. The cost of publication shall be the responsibility of the proposing agent.
 - c. The public hearing agenda shall be posted at least twenty-four (24) hours in advance of the public hearing at the following locations:
 - i. Location of the public hearing,
 - ii. Office of the Boundary Commission,
 - iii. County Administration Building (public notice bulletin board),
 - iv. Official office of the proposing agent (if available).

ARTICLE XI DECISION

- A. At such time as the Commission determines the substantive review of a proposal is complete, the Commission shall at an open public meeting, by roll call vote, determine whether a proposal is to be approved or disapproved.
1. No vote approving or disapproving a proposal shall occur unless a minimum of seven (7) members are present.
 2. A vote approving or disapproving a proposal requires a minimum of six (6) affirmative votes. Any vote cast by a member to abstain shall be counted with the majority, except in the case of a tie vote, in which case the motion is rejected.
 3. The Commission shall issue a document indicating the reasons the proposal was approved or disapproved. No vote shall be taken on that document unless the Commission has an opportunity to review a preliminary finding, as prepared by staff.
 4. For a boundary change proposal:
 - a. The Boundary Commission shall approve such proposal if it finds the boundary change will be in the best interest of the municipality or municipalities and unincorporated areas affected by the proposal and the areas of the County next to such proposed boundary.
 - b. The Commission shall not approve any boundary change proposal in which more than fifty percent (50%) of the combined land subject to the proposal is unincorporated area or areas unless the combined area subject to the proposal has a population of more than ten thousand (10,000) persons.
- B. The process for approving or disapproving the proposal shall be as follows:
1. Within four (4) months of the official submittal of a proposal for a:

Simplified Boundary Change:

- ◆ **Annexation**
- ◆ **Transfer of Jurisdiction between municipalities**
- ◆ **Transfer of Jurisdiction between a municipality and the County**

the Commission shall determine whether the boundary change shall be approved or disapproved.

- a. Approved. If the Commission finds in favor of the proposal,
 - i. but subject to voter approval, or
 - ii. but for which no vote is required,

the effective date of the change will be the date set forth in the Commission's written report.

- b. Disapproved. If the Commission finds against the proposed boundary change, it shall issue in writing the reason(s) for such disapproval.

2. Within nine (9) months of the official submittal of a proposal for an:

- ◆ **Incorporation**
- ◆ **Annexation**
- ◆ **Consolidation**

the Commission shall determine whether the boundary change proposal shall either be:

- a. Approved. If the Commission finds in favor of a boundary change, it shall submit the question to the voters residing within the area(s) subject to the proposed boundary change.
 - b. Disapproved. If the Commission finds against the proposed boundary change, it shall issue in writing the reason(s) for such disapproval except that final action may be deferred on part or all of a boundary change proposal when necessary to accommodate an overlapping boundary change or established unincorporated area proposal.
3. Within nine (9) months of the official submittal of a proposal for an:
- ◆ **Established Unincorporated Area**
- the Commission shall issue findings approving or disapproving such proposal except that final action may be deferred on part or all of a boundary change proposal when necessary to allow an election with respect to an overlapping boundary change or established unincorporated area proposal.
- a. Approved. If the Commission finds in favor of the proposal, it shall submit the question to the voters residing within the area subject to the proposed established unincorporated area.
 - b. Disapproved. If the Commission finds against the proposal, it shall disapprove the proposal. The Commission shall issue in writing the reason(s) for such disapproval.
4. The Commission may defer final action on all or part of a boundary change proposal or proposal for an established unincorporated area beyond the periods provided for its consideration in order to allow an election with respect to an overlapping boundary change or established unincorporated area proposal in order to maximize the ability of voters to determine its own status. Such deferral may be ordered only when the proposal granted such priority is filed with the Commission no later than sixty (60) days after the proposal on which action will be deferred and only when the Commission determines that the population of the overlapping area is a greater proportion of the proposal given priority than that of the proposal on which action is deferred. The Commission shall take final action on the deferred proposal within forty-five (45) days of the election at which the proposal granted priority is decided. The proposing agent may modify the proposal in accordance with the results of the election.
5. Notwithstanding the forgoing time provisions, any proposal which has not been approved by the Commission by January first of the next review period year shall expire without further action.

The Municipality needs to do an ordinance to establish the election date

Summary of Decision - 3 copies

- ① Original stays in B/C office
- ② Copy to Municipality
- ③ Copy to County ~~clerk~~ ~~office~~

(Suzanne Pratt)

BOUNDARY COMMISSION



ST. LOUIS COUNTY, MISSOURI

November 12, 2004

VIA FACSIMILE AND U.S. MAIL

Honorable Dan Michael
City of Valley Park
320 Benton Street
Valley Park, MO 63088

Re: **St. Louis County Boundary Commission**
BC0411 – Valley Park – Peerless Park Annexation

Dear Mayor Michael:

I wanted to formally notify you that the St. Louis County Boundary Commission has scheduled a meeting at which time we will review and discuss your city's Proposal and the results of the public hearing. I also expect that the Commission will, at that time, vote on whether to approve or disapprove such Proposal.

PROPOSAL	DATE & TIME	MEETING LOCATION
BC0411- Valley Park	March 22, 2005 6:00PM	St. Louis County Govt. Bldg. 41 S. Central 8 th Floor Conference Room Clayton, MO 63105

If you have any questions, please do not hesitate to give our Executive Director, Courtney Irwin, a call at the Commission offices.

Sincerely,

Thomas J. Hayek
Chairman
St. Louis County Boundary Commission

cc: Glenn Powers – St. Louis County Planning Department
Tim Fischesser – St. Louis County Municipal League

Tom,

Will the status of Valley Park's re-submission be discussed at the next meeting? The amended Plan of Intent includes several major changes that were not disclosed at the public hearing, including a proposed \$1.4 million sewer project and "pre-annexation agreements" with the Drury Corp. and Eagle Rock condo association. Will this new Plan of Intent be accepted? Is a new public hearing required? I will likely contact David about this.
I look forward to hearing from you.

Thanks,
Lori

Lori Fiegel
Comprehensive Planning Manager
St. Louis County Planning Dept.
41 S. Central Ave. 5th Fl.
Clayton, MO 63105
314-615-5413
lfiegel@stlouisco.com

VALLEY PARK I

* Copy of WHAT I PROVIDED ERIC MARTIN 1/4/05 *

OLD BUSINESS

A. Discussion of possible second hearing for Valley Park

Mr. Spears asked Mr. Young to bring the Commission up-to-date about the possibility of a second Valley Park public hearing. Mr. Young said the Rules state that a second public hearing would be required if there is a significant financial impact on the City.

Regardless of that, the City can require a second public hearing under their own rules. The Rules give the Commission discretion for the requirements of a public hearing and based on the modifications between the proposals that would be a recommendation.

Ted Armstrong: First, I'm upset with Valley Park for making this modification after Second, it certainly has a financial impact, there is no question about it. In my own mind it's significant... TIF and the extent of the proposal is, in my mind, significant. So I think it

But, for this reason I'd do it anyway, and that is this is one that's liable to end up in a lawsuit. And I don't want Valley Park to come back against the Boundary Commission, ... if we end up turning this down, I don't want them to come back and say: 'you should have given us another public hearing'. So, as much as I hate doing it, I would give them another public hearing. That's where I am on it. You all shoot holes in that.

Don Wojtkowski: I'm just wondering who would be interested in attending a second public hearing.

TA: Maybe no one, but at least we've done it.

Christine Bredenkoetter: We made the effort and let them speak their peace.

TA: I hope it's five minutes.

DW: But there are no residents in the area who are going to oppose it, because they're all getting free parking lot maintenance.

TA: And they may stand up and say 'We want this because we now get free parking lot maintenance'.

Bob Ford: ...sewer lines, sewer systems to this area, residents of Valley Park might stand up and say 'Wait just a minute, I don't want to spend all that money on this.'

Matt Armstrong: There's only one way to find out what they want and that's to listen.

BF: Asked John Young if he'd reviewed the County Council's letter claiming that various promises by Valley Park to put in sewer lines is basically illegal.

John Young: I haven't substantively and I haven't seen the actual

BF: ...for the condominiums. As I understood it, and I might be wrong, it changes the TIF situation which involved Drury Corporation to change something in the TIF, and

promising a sewer line if they're annexed. Making promises to lure somebody into the city.

JY: I did read part of it and I know that there was a comment made as to insuring the zoning request.

[Background noise and talking]

TA: ...delegates the power...city's jurisdiction

JY: That's accurate. That would be a legislative decision, in terms of the zoning requirements. You cannot contract away legislative authority that's essentially what...

BF: So my follow-up question is, if we approve Valley Park's proposal with them making those promises, could we be held liable because we're approving that illegally?

JY: I can't see why, but I'd have to look into it further. Essentially, if they have some sort of actual written agreement with ... because it's beyond ...

DW: I don't know if we could be held accountable for the agreements a municipality may make. Our charge is to exercise our authority over putting this thing on the ballot. On the other hand, is there a responsibility to inform the residents of the condominium that perhaps all of these promises are null and void, because they're illegal. And maybe that would effect whether they would be for or against the proposal in a vote. It's just... pretty nasty.

JY: I think another part of the proposal was to spend money on some sort of... Showing up...for the condominium association...maintain...not the city...

[Commissioner asks a question]

JY: I don't know. I don't know the answer to that.

BF: If we get a public hearing of Valley Park how soon would we have to do it? And does that postpone the March 1st timeframe?

----END OF TAPE----

DW: In their best interest summary, they have five paragraphs why it's in the best interest of Valley Park, but no basic dialogue relative to the best interests of the community or the annexed area. So, I think that whole thing is really wrought with problems.

TA: But you wouldn't ---- a public hearing?

DW: No, that's fine. Although I don't know who would come, but we can find out. If we feel like we want to do that, just to do the due process, that's fine...

Mr. Ford made a motion for Ms. Irwin to establish a second public hearing for Valley Park, sometime during the first week of February. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Spears asked Mr. Young to coordinate with Ms. Irwin about setting up the date.

BOUNDARY COMMISSION, ST. LOUIS COUNTY
NOTICE OF ANNEXATION PROPOSAL AND PUBLIC HEARING

In accordance with Chapter 72 of the Revised Statutes of the State of Missouri, notice is hereby given that the Boundary Commission, St. Louis County will conduct a second

**Public Hearing on Tuesday, February 8, 2005 at 7:30 p.m. at Valley Park
City Hall, 320 Benton Street, Valley Park, MO 63088.**

For the purpose of giving parties in interest and citizens an opportunity to be heard on the following boundary change proposal:

Proposal No. BC0411. A proposal for the annexation of the "Peerless Park Annexation Area" which encompasses an area of 0.8 square miles and was submitted by the City of Valley Park, Missouri, on July 1, 2004.

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Courtney Irwin
Executive Director
Boundary Commission, St. Louis County

January 13, 2005



THE CITY OF **Valley** **VP** Park

320 BENTON STREET • VALLEY PARK, MO 63088 • (636) 225-5171

January 12, 2005

St. Louis County Boundary Commission
168 N. Meramec – Suite 140
St. Louis, Mo. 63105

Attn: Courtney Irwin

Re: Peerless Park Annexation

Dear Ms. Irwin:

Please be advised that the City will reserve their Council Room on Tuesday, February 8, 2005 from 6:00 p.m. to 10:00 p.m.

This confirmation is in regards to the second Valley Park Public Hearing with a start time of 7:30 p.m. There will be no charge from the City of Valley Park to the Boundary Commission.

If anything else is needed feel free to contact me at 636-225-5171.

Sincerely,

Marguerite Wilburn
City Clerk