

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

**MINUTES OF PUBLIC HEARING - BC9614
August 20, 1996**

COMMISSION ATTENDANCE:

COMMISSIONER	PRESENT(P)/ ABSENT(A)
ED BRUER	P
AL ECKERT	A
JULIUS FRAGER	P
AGNES GARINO	P
SCOTT MIDDELKAMP	A
JACK REHAGEN	P
KENNETH TRETTER	P
WILLIE WEARY, JR.	A
JACK WIESEHAN	P
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	A

OTHERS PRESENT:

Carl Ramey - Administrator
Steve Martin - Legal Counsel

CALL TO ORDER

Chairperson Wingron called to order the meeting of the Boundary Commission at 7:00 p.m. on August 20, 1996. The meeting took place at the City Hall of the City of Florissant, Missouri. The purpose of the meeting was to conduct a public hearing on two proposals submitted by the City of Florissant to annex unincorporated territory described in the proposal as the Kensington Area (BC9613) and Dunn Road - Area 19 (BC9614). Commissioner Eckert who was present for the prior public hearing on BC9613 had to leave.

PUBLIC HEARING - BC9614 - DUNN ROAD - AREA 19 ANNEXATION PROPOSAL - CITY OF FLORISSANT

A. CONVENE PUBLIC HEARING

Chairperson Wingron convened the Public Hearing at 8:05 p.m. for BC9614, a proposal by the City of Florissant to annex an area known as Dunn Road - Area 19.

B. PRESENTATION BY PROPOSING AGENT - CITY OF FLORISSANT

Mr. John Hessel, City Attorney for the City of Florissant, introduced to the Commission the proposal to annex the Dunn Road Area, an area of approximately 6.6 acres. Under St. Louis County zoning, the land use of the area is residential and commercial.

The City identified the following reasons as to why they seek the annexation of this area:

- Because of its location, the City is in a position to more easily and efficiently provide municipal type services.
- The City desires to ensure property in this area is maintained and the quality of life for adjoining residents is preserved.
- The City is concerned about the potential development of the vacant property currently zoned C-8 in the county. It wants to be sure it is compatible with adjoining properties currently in the City of Florissant

Mr. Hessel indicated their proposal considered the Dunn Road annexation to involve an unincorporated pocket. However, after discussions with Boundary Commission staff, there is some question as to whether this area can be considered an unincorporated pocket. At question is whether the present Florissant corporate boundary extends south of Dunn Road on the east side of the annexation area. Mr. Hessel indicated the City would work with St. Louis County to determine from other records the status of the proposal.

Mr. Hessel indicated that the City of Florissant will be reducing its present utility tax because of the successful voter approval instituting a Capital Improvement Tax. This reduction probably will become effective in December. With that in mind, the fiscal impact to this area would be negligible.

Mr. Hessel also introduced Mayor Jim Eagen and Director of Public Works Lou Jearls as being present and available to answer any questions the Commission may have regarding their proposal.

C. *QUESTIONS FROM THE BOUNDARY COMMISSION*

Commissioner Rehagen questioned the apparent discrepancy in acreage involved in the annexation proposal. Mr. Hessel agreed that would also be examined.

Commissioner Wiesehan stated there had been an historical problem with site maintenance with the commercially zoned property. The prior use of the area had been a landfill. Mayor Eagen spoke on behalf of the City, stating that there have been numerous maintenance problems with the property. Although the City has tried to work with the County in dealing with those problems, the City has found a more limited response by the County in dealing with the situation. He feels the City is in a better position to adequately address the problems.

Commissioner Garino inquired as to how much area remains undeveloped, other than along Dunn Road. Mayor Eagen indicated only the commercial property remained undeveloped. Ms. Garino also asked whether there were street lights in the area. Mr. Jearls responded that there were lights in the area. Also, are there any pending proposals for the commercially zoned property. Mayor Eagen responded that the City was not aware of any current proposal for development.

Commissioner Frager requested the City to explain more fully the question of why this area may or may not be an unincorporated pocket under the statute. Mr. Hessel stated that if at the time of a prior annexation to the east of the Dunn Road - Area 19 proposal, the corporate boundary of the city extended south of Dunn Road, then it is arguable the only access to the area is from a roadway which is in an incorporated community. If not, it is then arguable the access criteria of the law may not be met. Mr. Frager asked whether the City had approached the residents about a simplified annexation. Mr. Hessel responded that the City had approached the residential property owners, but they declined to agree to a voluntary annexation. He indicated the City was not aware of the reason for their declination.

Commissioner Tretter asked whether the properties are owner occupied or rental. Mr. Hessel indicated that some of the properties are owned by Christian College, while others are owner occupied. Mr. Tretter asked what ordinance the City may have to deal with the problems of the commercial property. And why is the City in a better position to deal with the problems? Mayor Eagen indicated the City was in a position to be more persistent in dealing with problem areas of this nature. The County has many like this, and it may not receive the priority the City would place on it. Mr. Jearls responded that the City has specific ordinances dealing with landfilling, trash, weeds, debris, etc. These are the tools the City would use to deal with the problems. Mr. Tretter asked whether the problems would be grandfathered if the area were to be

annexed. Mr. Jearls responded that property maintenance issues would not be subject to grandfathering.

D. Public Comment

Mr. Mike Duncan, St. Louis County Planning, 41 S. Central, Clayton, MO 63105, reported to the Commission that St. Louis County does not routinely take a position on all matters of boundary changes. At this time, St. Louis County does not take a position regarding this annexation. The County is interested in continuing to provide municipal type services, if that is the desire of the people living in the area. Regarding whether the annexation is an unincorporated pocket, it was the assessment of St. Louis County that this area is not an unincorporated pocket. He also said a full report from the County Planning Department on the proposal would be forwarded to the Commission within the twenty-one (21) day period after the hearing.

Commissioner Garino asked whether the question of this area being an unincorporated pocket is an engineering one or something else. Mr. Hessel indicated it would be necessary to look at the legal descriptions of other annexations to determine what is the correct boundary.

Commissioner Tretter asked the status of County efforts to deal with the dumping. Mr. Duncan indicated their office is not directly involved in complaints of this nature, but will look at the issue in terms of their final report.

Jean Yarbrough, 1540 Grandview Drive, Florissant, Missouri, stated she lived in the area for twenty-five (25) years. She did not want to be annexed because it was her understanding her taxes would very well increase by \$30 every year. She stated this was her only opposition to the annexation.

Commissioner Rehagen asked whether she had discussed this with the City. Ms. Yarbrough stated she had talked with the City. Mr. Jearls indicated that with the decrease in utility tax, she would more than likely see an overall decrease in taxes.

Commissioner Frager asked whether there was any method to legally limit the increase in taxes. Mr. Hessel responded that prior Boundary Commissions had determined it was not legal to do that.

Commissioner Tretter asked how much value or impact would result for a property owner from resolving the dumping problem on the commercial site. Ms. Yarbrough indicated it would be a benefit, but again her main problem was the increase in taxes.

Further Questions by the Commission

There were no further questions raised by the Commission.

E. ADJOURNMENT

Chairperson Wingron advised the public that any further written comments regarding the proposed annexation must be filed with the Commission by September 10, 1996. She also indicated that a copy of the proposal and map is on file for inspection at the offices of the Boundary Commission, 1516 S. Brentwood Blvd., Suite 101 in Brentwood. Additional information may also be obtained by contacting the Commission at 961-7877.

There being no further members of the public desiring to comment, the public hearing was declared closed by Chairperson Wingron at 8:35 p.m.

Respectfully submitted,
Carl E. Ramey
Administrator

Approved September 3, 1996