

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

**MINUTES OF PUBLIC HEARING - BC9615
September 17, 1996**

COMMISSION ATTENDANCE:

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

OTHERS PRESENT:

Carl Ramey - Administrator
Steve Martin - Legal Counsel
Libby Rohlfig - Administrative Assistant

CALL TO ORDER

Chairperson Wingron called to order the meeting of the Boundary Commission at 7:05 p.m. on September 17, 1996. The meeting took place at the Hanna Woods Elementary School in St. Louis County, MO. The purpose of the meeting was to conduct a public hearing on a proposal submitted by the City of Manchester to annex unincorporated territory described in their proposal as Hanna-Sulphur Spring (BC9615).

**PUBLIC HEARING - BC9615 - HANNA-SULPHUR SPRING ANNEXATION PROPOSAL
- CITY OF MANCHESTER**

A. CONVENE PUBLIC HEARING

Chairperson Wingron convened the Public Hearing at 7:05 p.m. for BC9615, a proposal by the City of Manchester to annex an area known as Hanna-Sulphur Spring.

B. PRESENTATION BY PROPOSING AGENT - CITY OF MANCHESTER

Mayor Frank McGuire, City of Manchester, presented the city's proposal to annex an area bounded on the west by Sulphur Spring Road, on the north by the City of Manchester, Big Bend Road to the south, and Hanna Road on the east. Mayor McGuire introduced the Aldermen present at the hearing, and indicated the project held unanimous approval by the aldermen. He also introduced members of the City's staff who would later respond to the Commission's questions.

Mayor McGuire stressed Manchester's pride in their long history. The City recently celebrated their Bicentennial, and their City Hall is housed in the historic Lyceum Theater built in 1892. Driving down Manchester Road, one knows distinctly where Manchester begins due to the uniqueness of the City.

Mayor McGuire discussed the many programs of the police department: DARE, child identification, home and business security audits, the Explorers program, vacation checks, and neighborhood watch. The city has two year terms for Aldermen, and all staff appointments are approved by the Board. They have tennis courts, a pool, and park services, and the City offers a variety of programs. Many of these programs are used now by residents of the annexation area and would be made available at lower rates. They have a Fourth of July party, a Halloween celebration, an Easter egg hunt, homecoming, and strong athletic programs.

The City maintains streets and sidewalks. Trash and recycling are provided at no cost to the residents. They collect limbs and trimmings twice a year.

The annexation area lies directly south of Manchester and consists of .8 square miles with a population of 3,119 in 1,119 households according to the 1990 census. It is smaller than the area proposed in 1993 which extended east of Hanna Road to Highway 141. The former Boundary Commission approved this proposal unanimously, and the City received the County Planning Department's favorable recommendation. It failed to pass the February vote by 158 votes. The City determined a majority in the area now excluded rejected the proposal. They decided not to force the issue in this second effort, and excluded this area from the proposal.

Mayor McGuire stated the proposal will benefit the area to be annexed because the City will be able to increase services, for example, trash pick-up and recycling will be free. The number of

police will increase to 2.79 officers per 1000 after the annexation. The Mayor indicated that they have a very good response time, under four minutes, and he expressed the City's considerable pride in their police department.

Free refuse collection is provided for all single family residences excluding apartments. The average tax increase to the residents is estimated at an additional \$41 a year which would be offset by the savings in refuse collection. The tax rate has been reduced to \$.20 per \$100 assessed value, down from \$.30 in 1995. The current utility rate for residents in the County is 5% which would be reduced to the City's rate of 4.5% after annexation.

In summary, Mayor McGuire stated, the annexation will result in better services at no cost to the residents of the area, who will pay a slightly higher property tax only to be offset by free refuse service and a lower utility tax. For the City of Manchester, it would diversify its tax base, balancing sales tax revenues between the point of sale and pool distributions. This will create a balance to mitigate any possible changes in the future. Also the annexation offers better representation to the area. It would also help spread administrative costs over a greater number of units.

C. QUESTIONS FROM THE BOUNDARY COMMISSION

Commissioner Middelkamp asked the City to clarify if Manchester is an "A" City for sales tax. Mike Leavitt, City Administrator, responded they are an "A" City.

Commissioner Middelkamp asked about the excluded area, east of Hanna Road to Highway 141. Mr. Leavitt explained the majority of people in that area voted against it in the prior election so they decided to leave it out.

Commissioner Rehagen asked why they chose to go west of Sulphur Spring. Mr. Leavitt responded that the previous Boundary Commission asked that they go west of Sulphur Spring to meet the Southeast corner of Ballwin to assure a pocket was not created.

Commissioner Rehagen asked what subdivision is split by the proposed new boundary lines. Mr. Leavitt stated the area is Forest View Park which includes 37 homes.

Commissioner Rehagen asked, as their population would increase by almost 50%, if they will redistrict their wards to provide adequate representation. Mr. Leavitt said they currently have three wards, and rather than create a new ward, they plan to keep the three wards. After annexation the entire community will be redistricted.

Commissioner Rehagen stated that in reviewing the City's budget the cost for dispatching paid to the City of Ballwin decreased from \$101,000 in 1995 to \$87,000 in 1996. He asked what accounted for this decrease. Mr. Leavitt responded that Ballwin made one-time increases in capital outlays to revamp their computerized system in 1995 and this became part of the cost.

Commissioner Rehagen asked if the increase in calls after annexation would increase costs. Mr. Leavitt replied they estimated there to be approximately a 35% increase in calls. It would raise costs, but he sees no reason why they could not handle it financially.

Commissioner Rehagen asked what is the response time for police service. Mr. Leavitt said according to Ballwin dispatchers their response time is less than one minute in emergencies and less than four minutes overall.

Commissioner Rehagen asked if that time applies to the distance from Manchester, where the police station is located, to Big Bend. Mr. Leavitt replied the cars are always on the street, they do not stay at the station. Mr. Rehagen asked about at shift change. Mr. Leavitt stated he could not say in that instance.

Commissioner Rehagen asked if there are any historic sites in the proposal area. Mr. Leavitt said no, there are not.

Commissioner Rehagen asked if the public swimming pool could handle the 50% increase, and what the price difference is for residents in comparison to non-residents. Mr. Leavitt stated the fee currently stands at \$50 for residents and \$185 for non-residents. However, many non-residents presently use the facility. Mr. Leavitt said the increased usage and lower fees were factored in as a loss of revenue.

Commissioner Rehagen asked if there were federal funds used to build the pool. Mayor McGuire said there were.

Commissioner Rehagen asked if yard waste is processed into mulch by the trash providers, and if they provide composting. Mr. Leavitt said he does not know if Wilson processes it into mulch, and the residents are free to compost, but they do not provide it. Chipping is provided twice a year.

Commissioner Rehagen said the budget accounted for installation of two new street lights per year. Is the City prepared to provide more? Mr. Leavitt indicated he believes so, it would be determined on a request basis.

Commissioner Rehagen asked if they analyzed the storm and sewer situation in the area and expected participation from MSD. Mr. Leavitt responded they plan to deal with short term issues, but certain problems remain the responsibility of the MSD, for example the upstream storm water from Ballwin, and how it drains to Manchester.

Commissioner Rehagen asked how they would handle the use of the revenues in the many subdivisions' escrow accounts? Mr. Leavitt said they had not considered or reviewed these revenues, they are not a part of their revenues.

Commissioner Rehagen asked why they did not budget for the increase in administrative help. Mr.

Leavitt said the increase in workload mainly applied to public works, parks, and police departments. He did not see a dramatic increase in administrative work, and the city clerk would not be overly burdened.

Commissioner Rehagen asked if they have statutes to limit the number of household pets. Mr. Leavitt said they do have ordinances and the residents would have the opportunity to comply with the new regulations.

Commissioner Rehagen asked if the higher number of residents would be a problem with the park pavilions. Mr. Leavitt said no, and it would still operate on a first-come, first-served basis with resident priority.

Commissioner Rehagen inquired about the conditions of the streets, how many additional streets would the city acquire, and what would be the status of private streets. Mr. Leavitt said there are currently 30 miles of street in the city and 10 miles in the annexation area, and that the surface repair program established will prove adequate. Private streets would remain private; if requested to take them over, the City would consider it.

Commissioner Garino inquired about the Northeastern portion of the annexation area. Why was that included? Mr. Leavitt stated the neighborhood is Queensbridge and the President of the Trustees requested to be included. It is a separate subdivision not contiguous with any other.

Commissioner Garino asked why there was no effort to come further south on the East side of Hanna Road. Mr. Leavitt said the vote in that area indicated the people rejected the previous annexation attempt. This was determined by analyzing the vote count by precinct.

Commissioner Garino also asked about the Northwestern portion of the annexation area. What basis was the boundary line decided on? Mr. Leavitt responded the prior Commission specifically requested a line drawn to the southeast corner of Ballwin. They attempted to keep homes on both sides of a particular street included in the proposal. This boundary runs across the back yards.

Commissioner Garino raised the concern that the boundaries cut between two houses, dividing neighbors, at the risk of generating future problems. Mr. Leavitt expressed willingness to consider changing the boundaries to include the whole subdivision.

Commissioner Garino asked about the provision of sanitation services in light of the two year statutory condition after annexation. Mr. Leavitt argued the statute allows for a change to occur two years after notification, and indicated the City notified the providers two and a half years prior. The Commission asked Steve Martin to review this statute because it had not been interpreted in this manner by other proposing agents in previous proposals.

Commissioner Garino inquired about the value of the vacant area to the north at the Sulphur Spring and Big Bend intersection, and whether this land is commercially zoned? Mr. Leavitt indicated he

does not know, but would make the necessary inquiries. He believes the land is probably commercially zoned.

Commissioner Garino asked if condominiums and apartments will continue to pay for refuse services. Mr. Leavitt responded the condominiums are included in the single family home category and will receive free pick up, but apartments will be handled as commercial entities with a separate contract. This is how apartments are currently handled in the city.

Commissioner Garino asked who pays for and maintains the sidewalks. Mr. Leavitt indicated the City pays, but new installation requires a majority desiring the sidewalk. Ms. Garino also asked are the streets maintained on a priority basis, and is there a long-range plan for public improvement? Mayor McGuire stated they are maintained as needed, depending on the condition. After a request is submitted, the aldermen and staff evaluate the need and priority. There is no long-range plan, as they have maintained sufficient upkeep without such a plan.

Commissioner Garino asked if there is any undeveloped land in the area. Mr. Leavitt responded there is very little land which is buildable. Most of the vacant areas are in flood plains. It is possible that some larger plots with only one house could be subdivided.

Commissioner Garino asked what changes in zoning would result from the annexation. Mr. Leavitt responded that two new zoning categories would be added to fit plot sizes already in existence.

Commissioner Frager requested a map that would show the rest of the county around this proposal. Mr. Leavitt stated the City would provide such a map.

D. Public Comment

Mr. Jim Holten, 425 Tulsa Ave., Manchester, MO 63021, had a question concerning the restrictions on commercial vehicles in Manchester because he has to drive a commercial vehicle for work.

Ms. June McAllister Fowler, St. Louis County Department of Planning, 41 South Central, Clayton, MO 63105, reported to the Commission that St. Louis County finds there will be a limited impact on residences due to trash savings that will offset property taxes when they come into effect two years after annexation. They didn't express opposition in the past, as they consider it to be a logical extension of their boundaries. Though they would prefer the expansion to reach to 141, the chosen boundaries are not untypical or disorderly. She apologized for not having preliminary comments to distribute.

Mr. Ernest Rowe, 801 Sulphur Spring, asked about the widening of Sulphur Spring Road.

Ms. Bridget Shields, 429 Tulsa, asked why her subdivision was being divided to include only two

streets. They pay fees for their lights and are in the process of providing trash pick-up for the subdivision. She expressed concern for their plans if the neighborhood is divided. Also she asked what the City spends per capita in the City, what the annexation area brings in per capita, and if the difference is great, why is Manchester bringing them in?

Mr. Mike Francis, 893 Braquewood Drive, Manchester, MO 63021, spoke on behalf of the Trustees of Forest View Park Subdivision as their President. He voiced concern that the subdivision is being divided in half: out of 69 homes only 36 are included in the proposal. This will divide neighbors between the City and County. Currently they have a \$70 annual assessment that goes to lights and insurance and he wants to know how this will be affected. He thinks it is a good proposal, and would want the entire neighborhood included. He also raised the issue of a retention area off Tulsa that bears the brunt of storm water runoff and pools behind those houses, creating a dangerous problem when flash floods occur. Upon annexation, would the city assume responsibility? He also wanted to know if the City would remove the barricade between Oklahoma and Jamboree to facilitate the police and traffic flow.

Commissioner Rehagen asked if the area subject to flooding is common ground and whether the assessment covers flooding problems. Mr. Francis replied that MSD, the County, and the state placed responsibility on the subdivision. Most of the Assessment pays for street lighting and liability insurance for the common ground.

Commissioner Wiesehan asked the City if they knew about this problem. Mr. Blattner, Public Works Director, responded that there are a number of retention basins in the City. The City is responsible for maintaining the pipe from the entrance of the retention basin to the swale. This service, he believes, should significantly help the problem.

Mr. William B. Pettus II, 827 Winding Path Lane, St. Louis, MO 63021-6635, asked what the effect of the last vote was on this annexation, and does this commission have the ability to force an annexation without obtaining a vote in an election forum. Carl Ramey responded at the request of Chairperson Wingron that the Commission will review the proposal and comments, and as a body is charged to determine whether the proposition should be placed on the ballot. They have nine months to make a decision from the date of submittal, and hold no authority to force an annexation to occur.

Mr. Gerald F. Rose, 754 Winding Path, Manchester, MO, spoke on behalf of the Town and Country South subdivision, for which he is a trustee. He asked who would mow the grass in the common ground, and how long it would take for the refuse services to start. He also commented that due to traffic problems generated by Parkway South high school students, there is no parking from ten until two on school days, but currently residents receive parking permits. Will they continue to do so? What will happen to the money in their subdivision escrow account? Lastly he asked why the City wanted to annex this area.

Mr. Craig T. Hartmann, 773 Windingpath Lane, Ballwin, Mo 63021-6633, asked what was

different from the last time this area was proposed for annexation, which would now make it desirable to be part of Manchester? And how would a resident be permitted to comply with the "pet" restriction?

Mrs. Marilyn Ottenand, 559 Enchanted Parkway, Manchester, MO 63021, expressed her concern, as a current resident of Manchester, about losing some of their representation on the Board of Aldermen due to the redistricting of the wards.

Mr. Joseph D. Smythe, Jr., 832 Sugar Hill Drive, Ballwin, Mo 63021-6610, stated he previously served as vice chair for incorporation in the southern area. He wanted to know the effects of the recent ordinance in Manchester concerning home businesses. He is concerned about the issue of representation, and would prefer to see how the wards will be redrawn before the election. He asked for detailed financial projections to determine if tax increases may be made down the line. Also, he noted the traffic problems created by Parkway South serve as a barrier to emergency vehicles, and he wants assurance the police can handle this issue. He asked about common ground maintenance, and the effects of annexation on the current balances in the subdivision's escrow.

Ms. Janet Lewandowski, 720 Whitewillow Lane, Manchester, MO 63021, asked who would be responsible for the storm sewers as they have experienced problems with these in the past.

Mr. John Rahoy, 824 Wheelwright, Manchester, MO 63021, a resident of Big Bend Woods subdivision, who is relatively pleased with current services, questioned the County's involvement in this process and whether the Commission will query the County on statements made by the City. He also wanted to know how the City determined their police response time is faster than the County's which he considers to be excellent.

Ms. Gay Arnoldi, 882 Braquewood Drive, Ballwin, MO 63021, explained that her house falls within the proposal area and she is concerned about logistics. Her home is around the corner, the last within the western boundary off Braquewood Drive, and she wants to be assured her house will not be missed on servicing routes.

Mr. John O'Hara, 1146 Great Falls court, Ballwin, MO 63021, resides in the area excluded from the proposed annexation, but read in the September 15 *St. Louis Post Dispatch* that police allocations to cities around the area reflected a .5 addition to Manchester, and he wants to know if they asked in advance for additional police. He commented that the streets have improved dramatically under the County since the prior annexation attempt failed. He also asked to have the time frame of refuse services clarified.

Mr. Jim Farrell, 635 Applecross Court, a resident and former trustee of Tree Top Court, indicated the subdivision demonstrated strong opposition in the previous attempt, and he doubts that few changes occurred to precipitate a change in that position. He questioned whether Manchester could devote the same resources to street and sidewalk repair that the County can, whether they would take over the retention pond, and if the refuse services would take two years before

implementation.

Ms. Christy Parker, 720 Wild Walnut, Ballwin, MO 63021, asked whether the City had the power to open closed streets. The entrance to Winding Path from Sulphur Spring is closed, and they wish it to remain closed to prevent traffic due to the number of children in the area.

Further Questions by the Commission

Commissioner Bruer asked the City of Manchester what its zoning for commercial vehicles is. Mr. Leavitt responded it depends on the vehicle, and anyone is welcome to check with the City.

Commissioner Bruer asked about the specific date refuse services would be implemented. The city said their plan of intent was written with the understanding that the statute referred to notification and would be effective immediately. The attorney will clarify this.

Commissioner Bruer asked about the widening of Sulphur Spring and if it would remain a County Road. Mr. Leavitt stated the county owned it, and there will be no change in the maintenance. The County attempted to widen it to five lanes, Manchester objected, and it remains at three lanes. Mr. Bruer asked if they would be willing to amend the proposal to include the entire subdivision off Tulsa. Mr. Leavitt agreed they would. Mr. Bruer asked also what would happen to the money in escrow accounts. Mr. Leavitt said they would have legal counsel look at the indentures, but they have no assumptions regarding that money. They have never expected it and assume it will remain with the subdivisions.

Commissioner Frager asked about the parking problems generated by the school. Mr. Leavitt said they do not intend to make wholesale changes, and will only extend what the County has done, as they do not want to burden the residents.

Commissioner Frager asked if the City had devised plans for redistricting wards. Mr. Leavitt stated the City had not. Mr. Frager asked if the proposed wards could be redistricted before the election. The City will base the wards on census figures, and Mr. Leavitt agreed to use the most recent census to determine what the wards will be.

Commissioner Frager asked about the ordinances regarding home businesses. Mr. Leavitt agreed the City intensified their wording on the ordinances to greater facilitate enforcement. They include ten points, and are probably more detailed than the county's, but can be reviewed at City Hall. Mr. Frager also asked how to eliminate a pet in compliance with that ordinance. Mayor McGuire responded by explaining the ordinance is only to protect residents who have viable complaints, and the City has no intention of surveying the residents to enforce such rules.

Commissioner Frager asked the City how it determined their police response time. Mr. Leavitt answered that they used the computerized records at Ballwin. He added that he was a County officer for eighteen years, worked in this area, and feels confident in the accuracy of their times.

Commissioner Garino asked whether the City has an occupancy permit. Mr. Leavitt stated their occupancy permit applied only to multi-family units.

Commissioner Garino asked if they are a fourth class city. Mr. Leavitt responded yes. Ms. Garino also asked if they would undertake efforts to change to home-rule? He said no they would not.

Commissioner Garino asked if the boundaries include the entire right-of-way of the major streets bordering the proposal. Mr. Leavitt said they include the entire street.

Commissioner Wiesehan asked if the new area would have their own ward and representation. Mr. Leavitt indicated they probably would constitute nearly an entire ward, meaning they would have at least two representatives. However, it is impossible to state with accuracy until the City looks at the census data and equalizes the wards.

Commissioner Wiesehan asked if home businesses with long histories would be grandfathered. Mr. Leavitt stated he would have to speak with legal counsel as he did not suspect that would be possible, though they would review the matter.

Commissioner Garino asked about the city's long term financial projections. Mr. Leavitt responded they only completed the three year analysis requested by the Commission. They do not know what changes may occur but the City is healthy financially and is not annexing the area to boost their revenues. He indicated they would remain sound without the annexation area. Would there be future tax increases? No, they just reduced the taxes this year and there may be further tax decreases if anything.

E. ADJOURNMENT

There being no further members of the public desiring to comment, the public hearing was declared closed by Chairperson Wingron at 8:33 p.m.

Respectfully submitted,
Carl E. Ramey
Administrator

Approved October 15, 1996