

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

**MEETING MINUTES
October 22, 1996**

ROLL CALL

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

OTHERS PRESENT:

Carl Ramey - Executive Director

Steve Martin - Attorney

CALL TO ORDER

The meeting was called to order by First Vice-Chairperson Garino at 6:16 PM on October 15, 1996. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Commission member Saulsberry arrived at 6:55 p.m.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

OLD BUSINESS:

First Vice-Chairperson Garino introduced the next four agenda items as the second review under the Second Step of the Commission's review process. This review is intended to consider the response(s) received to the questions raised by Commission members during the first review under the Second Step of the review process. Mr. Ramey advised the Commission the City of Berkeley would not be present to respond to the Commission's questions. He stated there was internal confusion regarding the date for them to appear. They were not prepared to respond. Ramey indicated he advised the City that they would be on the agenda for Tuesday, October 29.

- A. ***BC9602 - Annexation Proposal Wedgwood - City of Florissant***
- B. ***BC9613 - Annexation Proposal Kensington - City of Florissant***

Mr. Ramey reviewed for the Commission the three general areas of inquiry which were submitted to the City of Florissant regarding the Wedgwood and Kensington annexation proposals. The Commission combined their discussion of these proposals.

Mr. John Hessel, City Attorney for the City of Florissant, stated that he planned to respond orally to the questions raised in Mr. Ramey's letter of October 3, and would be willing to place in writing, if the commission desires, the content of his response.

Regarding the status of the utility tax reduction, Mr. Hessel reported that in the month of October the City will be receiving its first distribution of the capital improvement sales tax. The City plans to use the months of October through December to evaluate the performance of this new tax. He stated the City Council is committed to reducing the utility tax in January, 1997 from 7% to 5%. During the first three months of 1997, the City would again evaluate the performance of the sales tax to determine further reduction. At this time, the best estimate of the Director of Finance is the utility tax would be reduced from 7% to 4%, with it possibly going as low as 3%.

Commissioner Wojtkowski asked, if sometime in the future the City wanted to increase the utility tax, what would the City have to do to increase that tax. Mr. Hessel stated it is generally accepted in Missouri when there is a voluntary rollback in a tax, a political subdivision can increase that tax up to its original ceiling (i.e. the tax rate prior to the first rollback). However, this situation may not be typical. As part of the information provided during the election, voters were told the City would rollback the utility tax if the capital improvement sales tax passed. Based on those representations, Mr. Hessel indicated an argument could be made that with each reduction in the utility tax, the ceiling would also be reduced to a new level. To raise the utility tax may very likely require voter approval.

Commissioner Garino ask what the average reduction would be in utility tax. Mr. Hessel stated for every 1% reduction, there would be a savings of approximately \$20 on the typical utility bill. A 2% reduction would amount to \$40.

Concerning the questions relating to service demands and staffing requirements if all five proposals were to be approved by the voters, Mr. Hessel reviewed how the City calculated

those costs. In preparing their proposals, the City calculated their increased cost based upon a percentage of the budget. For comparison and in response to the Commission's question, the City also asked each department to evaluate additional needs and associated costs based upon the five annexations. Mr. Hessel indicated the results using the second methodology were similar to the percent of budget basis.

Mr. Hessel stated he had a spreadsheet which outlined various costs and statistics. He reviewed the changes

	Current City	Annexation	Total-New	Percent Increase
Population	51,306	8,607	59,913	16.8
Land Area (acres)	6,643	1,625	8,268	24.5
Assessed Valuation (in \$ millions)	\$365,379	\$41,828	\$407,207	11.4

In the need/cost evaluation completed with department input, the following was reported by Mr. Hessel to be the results of that analysis:

- Administration - add four personnel at a cost \$228,000
- Police - add ten officers, two clerical positions and equipment purchases of four cars at a cost of \$618,680
- Public Works - addition of seven new employees at a cost of \$498,809
- Parks - additional cost of \$330,000.

Commissioner Wiesehan asked how the costs compared when the City did the departmental analysis versus the method used in preparing each proposal. Mr. Hessel stated they were very close.

Commissioner Rehagen asked whether there was sufficient revenue to cover the cost of extending services. Mr. Hessel responded there was sufficient revenue.

Regarding the Old Halls Ferry Road Traffic Generation Assessment Road Trust, Mr. Hessel stated the City had not been asked in the past to consider this particular trust. The City was currently completing legislation which would enter into an agreement with the County regarding the Missouri Bottoms trust. Mr. Hessel stated he would anticipate the City would consider the Bluff Old Halls Ferry trust much the same as the Missouri Bottoms Trust. When asked what the City needed to do in this situation, Mr. Hessel responded that the City needed to find out what the County's ordinance contained in creating the Bluff -Old Halls Ferry trust and adopt an ordinance similar to the Missouri Bottoms Trust.

Mr. Hessel indicated he would place in writing the content of his responses.

Commissioner Garino questioned why the revenue numbers between the City and County

differed in proposals. Mr. Ramey explained there were differences in revenue numbers because the assumptions used differ. He stated attempts to standardized numbers through the County Planning Department at this point have not been successful.

Regarding the Kensington proposal, Commissioner Wiesehan asked who pays for the occupancy permit. Mr. Hessel indicated he was unsure. Mr. Ramey stated during the testimony at the public hearing, the Director of Public Works, Lou Jearls, stated it was the property owner's responsibility. However, whether the property owner passed that cost along or whether they made the tenant obtain the permit he was not sure.

Commissioner Garino asked how the City looked upon its financial condition. Mr. Hessel responded by stating it depended on the perspective of who you talked to, but noted the City felt good enough about its financial condition to reduce its utility tax.

Commissioner Garino questioned the comment in the County's report wherein it referred to an annexation attempt in 1985 being 6 acres larger than the present annexation proposal. Is there any unincorporated territory which has been excluded from the present annexation which was apart of the 1985 attempt? Mr. Hessel indicated he was not sure of the territory being sought for annexation in 1985. Mr. Wiesehan stated it was probably the area south of the Kensington area. It was annexed to the City subsequent to 1985. Mr. Hessel indicated with the Kensington proposal there was no unincorporated territory left in the area which was not already a part of the City or other annexation proposal.

Commissioner Garino questioned the County analysis of the cost per occupant. How did the County arrive at a \$27 cost per occupant. Mr. Ramey was asked to question the County as to how they calculated the cost per occupant increase.

The Commission had no further questions of the City of Florissant regarding BC9602 - Annexation proposal - Wedgwood Area and BC9613 - Annexation proposal - Kensington Area.

The Commission questioned when these proposals would be next on the Commission's agenda. Mr. Ramey indicated there was one outstanding question for the County concerning BC9613 - Kensington, otherwise the schedule called for them to progress to the next step in review on Tuesday, November 5. Due to other commitments from Commission members relating to election day on November 5, it was the consensus of the Commission to move the meeting from November 5 to November 6 at 6 p.m. at the Boundary Commission office.

C. *BC9607 - Annexation Proposal - Area IV - City of Sunset Hills*

Mr. Ramey provided the Commission with a brief overview of the questions submitted to the City of Sunset Hills from their last meeting. He also reminded the Commission of the City's written response to those questions. He stated Mr. Bob Jones, City Attorney for Sunset Hills was present to discuss any further questions.

Mr. Jones briefly reviewed the City's written response to the questions. He restated the reasoning behind the placement of the boundary line along the west side of Sappington

Road. It was selected not only because it was a logical extension of the boundary to the north of the annexation area, but also because to cross Sappington Road would result in dividing subdivisions. He stated further the City questioned the need to participate in the County's traffic generation assessment trust. Currently, the area is fully developed and the City does not feel there is much which could be developed.

Commissioner Rehagen asked whether the City was going to hold meetings to allow the people in the area to be annexed an opportunity to gain a greater understanding of the facts. Mr. Jones responded that this has been done in the past with other annexations and he would anticipate it would be the same in this case.

Commissioner Wojtkowski asked why the City seemed reluctant to make a commitment to the County's traffic generation assessment trust? Mr. Jones responded that there were three reasons including: (1) the City presently requires developers to make off-site improvements at the time of development; (2) there is realistically nothing in this area to develop; and (3) the City is not aware of the boundaries of the Baptist Church-Green Park-Buckley Traffic Generation Assessment area in relation to the annexed area. Mr. Jones restated the City's position that the City declines to participate. Mr. Jones added that if this were the only issue which could prevent approval he would like the opportunity to discuss it with the Board of Aldermen.

Commissioner Tretter asked whether in general the City supported traffic generation assessment areas? Mr. Jones pointed out this had not been an issue with the County in the two prior annexations to Sunset Hills. The City as a practice requires improvements be made at the time of development and not into an escrow account for later use.

Commissioner Tretter also asked whether there was any chance Sappington Road would become a City street and no longer a part of the County's arterial road system. Mr. Jones responded that Sappington Road was not a part of the annexation proposal, but if it were ever to become a City street they would be in a position to handle it.

Commissioner Wojtkowski expressed a general concern about the Commission establishing a consistent application regarding traffic generation assessment areas and whether a municipality can or can not opt out of an existing traffic generation assessment area at the time of annexation.

Commissioner Saulsberry asked what methods other than the traffic generation assessment area would the City have to insure the same thing will take place in the City. Mr. Jones stated the City did not have specific ordinances, but there is a history in the City of the Planning Commission and Board of Aldermen looking at each situation with a critical eye.

There were no further questions of the City of Sunset Hills regarding BC9607 - Annexation proposal - Area IV.

Commissioner Wojtkowski asked that Mr. Ramey solicit information from the County regarding traffic generation assessment areas in general and in particular the one affecting Sunset Hills. Why is it important for the City to commit to continuing support of a traffic

generation assessment area after an annexation? Mr. Frager also asked that the following questions be posed to the County regarding this proposal. What affect would there be if the City did not participate in the traffic generation assessment area? How many dollars are in the traffic generation assessment area in Sunset Hills?

D. BC9612 - Annexation Proposal McDonnell Douglas - City of Berkeley

Mr. Ramey restated that the City was not prepared to come forward because they did not have their dates clearly in mind. It was the consensus of the Commission that if the City was not prepared to respond on Tuesday, October 29, the Commission would decide at that time what to do with the review of the proposal.

E. Discussion re: Process for Acting Upon Approval/Disapproval of Proposals

A motion was made by Commissioner Rehagen to remove from the table the Discussion re: Process for Acting Upon Approval/Disapproval of Proposals. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes: All Nays: None.

The Commission conducted an extensive discussion on the portion of the decision making process relating to "principles." The Commission spent considerable time considering various viewpoints as to whether, given the diversity of opinion, the group would be able to reach a consensus on this issue. Concern was expressed that the Commission focus on the eleven required review factors and the best interest test.

A motion was made by Commissioner Frager to drop the concept of a uniform set of principles, adopted as a group. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes: All Nays: None.

There was further discussion that at the time of deliberation each Commissioner remain open regarding their opinions and positions. Mr. Ramey stated that in previously approving the overall process of review, the Deliberation Step states, "For anything to be subsequently considered as argument against a proposal, it must be revealed at this stage." Mr. Ramey felt this should satisfy the issue of openness.

ADJOURNMENT

Commissioner Frager made a motion to adjourn the meeting. The motion to adjourn was seconded by Commissioner Rehagen. Voice Vote: Ayes - All Nays - None *The motion passed.*

This being a memorandum of the activities at this meeting.

Respectfully submitted,
Carl E. Ramey
Executive Director

Approved November 19, 1996