

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

**MEETING MINUTES  
July 30, 1996**

**ROLL CALL**

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

**OTHERS PRESENT:**

Carl Ramey-Administrator  
Steve Martin - Attorney

**CALL TO ORDER**

The meeting was called to order by Chairperson Wingron at 6:05 PM on July 30, 1996.  
The meeting was held at the office of the Boundary Commission in Brentwood, MO.

**ROLL IS CALLED-QUORUM DECLARED**

Carl Ramey calls the roll as reflected above, and a quorum was declared.

**NEW BUSINESS:**

**A. PRESENTATION BY COUNTY PLANNING DEPARTMENT RE:  
COUNTY REVENUES**

Mike Duncan of the County Planning Department provided the Commission a general overview of county finances and how they are affected by boundary changes. Mr. Duncan provided the Commission with a written handout of the visual aides which were a part of his presentation.

Mr. Duncan said St. Louis County provided a variety of services to the citizens of the county. Some services are county-wide affecting all citizens, others are of a more municipal nature serving the unincorporated county, and other municipal services are on a contract basis to municipalities. As a result, some of the services become blurred by the definition of whom they are serving, e.g. parks. or police.

Mr. Duncan provided an overview of the 1996 operating budget for the county, looking at how they paid for the services. There are four operating funds: Road & Bridge (highways), Parks, Health and General.

The General Fund is the largest of all the funds. It provides the widest range of services. Law enforcement represents the largest portion of the General Fund. The Police Department represents approximately 30% of the Budget.

The primary sources of General Fund Revenues are

- Sales Tax - 23%
- Property Tax - 19%
- Utility Tax/Cigarette Tax - 17% (5%unincorporated area only)
- Other - 41%

The Utility Tax and cigarette taxes are affected by boundary changes.

Health services are supported by a countywide Property Tax. Its revenues and expenditures are not affected by boundary changes.

Parks expenditures and revenues are affected by boundary changes. The fund is supported by a countywide property tax which represents 28% of the revenue. Sales tax makes up 49% of the funds revenue. Sales Tax revenue is an annual transfer from the General Fund.

The Road and Bridge Fund is supported by State Road Aide Funds, a Road and Bridge Property Tax, a local Transportation Sales Tax, and other sources. The road system in the county is organized as two systems. The County Road System covers the subdivision streets in the unincorporated area. The Arterial Road System incorporates the major roads throughout the incorporated and unincorporated county. State Road Aide and the Road and Bridge Property Tax are affected by boundary changes. The Road and Bridge Property Tax is transferred to the municipality. The State Road Aide is based upon a

statewide formula. This formula is different from the municipal formula. A county's aide formula is based upon road mileage and assessed valuation. The Transportation Sales Tax is used to fund Bi-state operations and capital improvements in the Arterial Road System.

Prior to 1978 unincorporated services were paid for by countywide revenues. A county property tax paid for most services. There was no county sales tax. In 1978 a countywide sales tax was initiated and with it the creation of point of sale and pool cities. Pool cities, of which the county shared in the same manner, received their proportionate share of sales tax collected in their jurisdictions based upon population. A point of sale city received all the sales tax collected in their community.

With the institution of a countywide sales tax, there was a roll back in property tax revenue during the period of 1978 - 1993. In 1993 there was a restructuring of sales tax in the county. The restructuring involved the county as a participant in the sales tax pool, those municipalities in the same pool and those cities which were point of sale. Included in the restructuring of sales tax was the distribution of the use tax. The county retains a share of sales/use tax upon boundary changes. The county's goal was to find a balance between services and revenues.

The majority of police services are dedicated to unincorporated areas. Specialized services are available countywide. The Utility and Cigarette Taxes are dedicated by statute to supporting police services. These taxes are lost to the county when there is a boundary change.

Most of the services provided by the parks system are regional in scope. They are open to everyone. Approximately 49% of the funding for the parks is dependent upon sales tax. These services are affected by boundary changes.

The Road and Bridge Fund which supports the operation and maintenance of the county's arterial and subdivision road system is supported by a variety of revenue sources. Revenue generally matches the services provided.

The changes in the sales tax distribution in 1993 resulted in an increase in the distribution of sales tax to pool participants. All annexations stay in the pool, even though the annexing community may be a point of sale city. Their distribution is on a per capita basis and not point of sale. The change in the law established a sliding scale mechanism whereby the county shares in the sales tax revenue collected in cities. Each annexation affects that mechanism. With annexation, a small portion of sales tax revenue is transferred from all cities to the county. Full incorporation of county would shift approximately 10% of all municipal sales tax revenue to the county. This mechanism protects about 30% of county's current sales tax revenue. The change in the sales tax distribution also included the dedication of certain use tax revenue to the county to aide the county in recovering loss sales tax revenue due to boundary changes.

Commissioner Bruer questioned what portion of sales tax will the county lose with the redistribution plan. Mike Duncan said the impact on sales tax is to lose 70% Do the

revenue numbers included in the county's reports take into account the county loss or the 30% savings? Mr. Duncan indicated the reports probably needed refinement in this area, because they did not take into account the long term affect.

The impact of adjustments to sales tax revenues are proportional to population. The sliding scale adjustment to sales tax revenues at the time of boundary changes helps to mitigate the fiscal impact on the county. Mr. Duncan indicated that service reductions would most likely correspond to the losses in revenue.

Mr. Duncan said that unlike sales tax, it may not be easy to correlate the reduction in service due to losses in utility tax revenue. Losses may affect services elsewhere in county and not just the area affected by the boundary change. It may have a ripple effect in the county. Mr. Duncan indicated utility tax revenue losses cut right at funding for police protection.

The impact of boundary changes on Road and Bridge funding is the loss to the county of Road and Bridge Tax money and the State Road Aid. There appears to be a fairly good correlation between matching revenue loss and service reduction in this area.

Commission Frager asked Mr. Duncan what was the Traffic Generation Assessment Trust fund? Mr. Duncan indicated when new development is approved, money is placed into the trust fund. Funds are provided to improve traffic in other areas and not necessarily directly a part of development. This area could be affected by annexations, if the annexing city does not participate in supporting the county fund. It is purely the city's option to continue. The county can not require a city to participate if annexation is approved. Ramey indicated that a prior opinion of the attorney for the Commission, Steve Martin, indicated the commission could make it a requirement of approval.

Mr. Duncan concluded that

- Sales tax reform helped match revenues to services, but it is not viewed as a complete solution.
- The Use tax is potentially a part of the solution.
- Problems with specific annexations/boundary changes affect utility tax and road and bridge property tax. These are revenue sources which are most prone to revenue windfalls without service reductions.

Commissioner Garino sought clarification of the impact approval of the use tax would have on the county. Mr. Duncan indicated its passage will reinstate what was anticipated in 1993, except now Bi-State will receive a portion of it for money for light rail construction. This provision was included in the state statute.

**B. REVIEW PUBLIC HEARING (BC9604) - ANNEXATION  
PROPOSAL CHARBONIER AREA BY CITY OF HAZELWOOD**

Commissioner Garino asked the Commission, what should the commission do with those proposals where the proposing agent apparently did not present evidence regarding a part of one or more factors? Is it important enough to ask for more information? Is it necessary? How important are these to making a good decision? Commissioner Frager indicated his feeling that the law placed the responsibility on the Commission to consider the evidence submitted in support of the proposal. It may not be necessary to have each proposal respond to each and every point.

In response to reviewing the Charbonier proposal from the City of Hazelwood, Commissioner Wojtkowski indicated he felt with the large land area and small population, this proposal should be handled as a simplified boundary change. It is questionable whether it is prudent to have it go forward and placed on the ballot. The time and expense to do so is questionable. He felt it is within the authority of the Commission to disapprove the proposal based upon the Commission's judgement that a more appropriate vehicle for submitting the proposal to the Commission is as a simplified boundary change.

Commissioner Wojtkowski also said it was difficult to evaluate or weigh the merits of the Charbonier proposal without considering the City of Florissant's Area West annexation proposal. The inclusion of higher density in the northeastern portion of the Area West proposal with the low density area in the western portion was problematic. To combine the two throws the lower density area in to the category of an unincorporated pocket. Unlike the Wedgwood and Kensington area, which are uniquely different character, Mr. Wojtkowski felt Area West should be divided based upon the density of the area. They should be handled as separate boundary changes.

Commissioner Garino indicated that proposals are developed and submitted with the idea they could succeed. She questioned whether the commission should be allowing the creation of a pocket. There is nothing in law that prevents the City of Florissant from availing themselves of all the provisions of the law when developing proposals to be submitted to the Commission.

Chairperson Wingron indicated to the Commission the need to focus on problem solving in resolving what is the best route to follow?

Commissioner Bruer felt the commission at least should go through the proposal and determine whether there are any question which need further clarification. This was the same pattern used by the Commission in reviewing other proposals.

*Factor 1 through 2* - No questions or comments

*Factor 3* - It was agreed this factor involves the question of how to consider the overlapping proposal of the City of Florissant. Could Charbonier be considered as a simplified boundary change? Commissioner Tretter questioned whether the Commission can rewrite the proposal as it wasn't submitted as a simplified. Commissioner Bruer asked whether the City can be asked to amend the proposal and submit it as a simplified boundary change. Commissioner Frager asked why Florissant was asked to amend its proposal? Commissioner Wojtkowski indicated it was in part because Florissant's

proposal would result in a different voting requirement. Commissioner Frager indicated his feeling that cities should be viable and efficiently run. He felt from what he has been able to read and absorb, the City of Hazelwood, with its financial resources might be in the best position to serve this area.

*Factor 4 through 6* - No questions or comments

*Factor 7* - Commissioner Agnes Garino asked should the commission be getting greater detail or justification for the costs used in extending service? Commissioner Frager said, he felt the factor was more critical with an incorporation than an annexation. Existing cities have resources. Commissioner Garino felt the city should explain how they came up with their numbers.

*Factor 8* - Commissioner Garino requested that the information provided in the staff's analysis report parallel each other.

*Factor 9 through 11* - No questions or comments

Commissioner Garino asked the commission how they reacted to four year old petitions submitted with the proposal. What value or impact does it have? The commission's consensus was it did not have an impact, particularly because of the age and the proposal was not submitted as a simplified boundary change.

Additional information being sought from the City of Hazelwood:

- Additional information on factor 7
- Obtain reaffirmation of the City's support for the Missouri Bottom Trust Fund

Chairperson Wingron asked the Commission if there was anything further on this proposal at this time. Commissioner Wojtkowski indicated he could not act upon this proposal before the matter regarding Area West was resolved.

#### **C. DISCUSSION RE:**

##### **BC9601 - ANNEXATION PROPOSAL AREA WEST - CITY OF FLORISSANT**

A motion was made by Commissioner Wiesehan to approve the Area West proposal in a straw vote for the purpose of directing staff. Commissioner Bruer seconded the motion.

Commissioner Wojtkowski questioned whether approving this proposal would properly choreograph orderly incorporation in the county. Given there may be other options as previously discussed, to approve it would send the wrong message.

Commissioner Garino questioned whether it was appropriate for the Commission to act on this motion, because with Mr. Eckert having to leave earlier it meant there were only seven commission members present. This is not the required number of members to be present if this were a vote for final approval.

A motion was made by Commission Garino to table the motion to approve the Area West

proposal in a straw vote for the purpose of directing staff. The motion was seconded by Commissioner Wojtkowski. Roll Call Vote: Ayes, Commissioners Frager, Garino, Tretter, Wingron, Wojtkowski Nays, Commissioners Bruer and Wiesehan.

The Commission allowed Mr. John Hessel, City Attorney for Florissant to address the Commission. He indicated he appreciated the commission's comments and their suggestion to divide the annexation proposal (Area West). However, prior to considering a proposal, the first question the city had to answer was not whether they would win or not, or the revenue to be derived, but whether it was good, long range planning. The proposal was submitted on a total planning basis. He expressed Florissant's concern about how important it was to the City to have some influence over any development which might occur immediately to the west of Koch Park. In essence, the reason Florissant proposed the area for annexation was because it made good planning sense for the city.

- . **BC9602 - ANNEXATION PROPOSAL WEDGWOOD AREA  
- CITY OF FLORISSANT**
- . **BC9603 - ANNEXATION PROPOSAL CREST AIRE - CITY  
OF FLORISSANT**
- . **BC9605 - ANNEXATION PROPOSAL CREST AIRE - CITY  
OF HAZELWOOD**

No action was taken by the Commission on BC9602, BC9603, BC9605.

The Commission discussed in general the agenda for the 6:00 p.m. meeting of the Commission. They agreed to begin the review of the Sunset Hills proposal. Also, a resolution would be on the agenda creating the Budget Committee. Mr. Bruer said that he was aware of Jack Rehagen's interest in the committee. Mr. Tretter also indicated his interest. Mr. Ramey advised the Commission the Boundary Commission's budget needed to be submitted to the county by August 31.

#### **ADJOURNMENT**

Commissioner Garino made a motion to adjourn the meeting. The motion was seconded by Commissioner Wojtkowski Voice Vote: Ayes - all, but Nays - Frager *The motion passed.*

This being a memorandum of the activities at this meeting.

Respectfully submitted,  
Carl E. Ramey  
Administrator

Approved August 6, 1996