

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

**MINUTES OF PUBLIC HEARING - BC9607
July 16, 1996**

COMMISSIONERS PRESENT:

Ed Bruer
Al Eckert
Agnes Garino
Jack Rehagen
Ken Tretter
Anna Wingron
Don Wotjkowski

COMMISSIONERS ABSENT:

Barbara McGuinness
Scott Middelkamp
Willie Weary Jr.
Jack Wiesehan

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 July 16, 1996. The meeting took place at the City Hall of the City of Sunset Hills, Missouri. The purpose of the meeting was to conduct public hearings on a proposal submitted by the City of Sunset Hills (BC9607) to annex unincorporated territory described in the proposal as Area IV.

**PUBLIC HEARING - BC9607 - AREA IV ANNEXATION PROPOSAL - CITY OF
SUNSET HILLS**

A. CONVENE PUBLIC HEARING

Chairperson Wingron convened the Public Hearing for BC9607 at 7:05 p.m., a proposal by the City of Sunset Hills to annex an area known as Area IV.

B. PRESENTATION BY PROPOSING AGENT - CITY OF SUNSET HILLS

Mr. Robert C. Jones, City Attorney for Sunset Hills, presented the City's proposal to the Commission. Mr. Jones described the area as primarily residential, with minimal commercial fronting on Gravois. This area was considered for annexation before the disbanding of the last Boundary Commission. As of June 6, 1996 when Area III officially became annexed, Area IV was 72% contiguous with the City of Sunset Hills.

Mr. Jones suggested there were two primary reasons for the City seeking the annexation of this area. First, the City was responding to requests from citizens in this area to become annexed to the City. Secondly, the annexation of this area was a logical extension of the City's boundaries. To be included in the City would square the boundaries of the City.

He described the City of Sunset Hills as a fourth class City under the statutes of the State of Missouri. Mr. Jones introduced the Mayor, members of the Board of Alderman and senior staff people. Mr. Jones said the annexation of this area would not result in an increase in the number of Aldermen serving on the Board, but it would require redistricting of the city.

The annexation of Area IV to the City would result in an estimated increase of revenue to the City of approximately \$275,000. Mr. Jones said most of that income was the result of a transfer of resources from St. Louis County to the City. He said the City did have a \$.08/\$100 assessed valuation property tax. That tax would generate \$11,200 in new revenue from the area. He calculated the cost to deliver service in the area would be approximately \$266,000. Mr. Jones said the City was prepared to deliver service to the area.

In reference to the handout delivered to some residents in the annexation area by the organization, Citizens for South County, he indicated the City would handle matters of planning and zoning rather than the County. The City does not contract for trash removal as suggested in the letter. The City would provide police protection for the area. Contrary to the letter, the City contracts with St. Louis County for inspection services. Mr. Jones repeated that the revenue coming to the City is substantially a transfer of revenue already paid by residents in the area. The only new tax is a \$.08/\$100 of assessed valuation property tax.

Mr. Jones stated neither he nor anyone in the City was aware of any commercial development interests, which would affect the area along the northern edge of the Barrington Estates Subdivision.

C. QUESTIONS FROM THE BOUNDARY COMMISSION

Commissioner Rehagen asked whether the City would be presenting the petitions from the residents in the area. Mr. Jones said the petitions would be presented later in the hearing. Mr.

Rehagen referred to page 16 in the proposal where it indicated that "St. Louis County would retain some jurisdiction for the Police Department in the Annexation Area." What is the role of the St. Louis County Police Department after the annexation? Police Chief LaGrand of Sunset Hills responded that the City would have primary jurisdiction after the annexation, but the County has jurisdiction throughout the County in both incorporated and unincorporated areas. The reference in the proposal was to the jurisdiction the county would retain no matter whether it was incorporated or unincorporated.

Mr. Rehagen questioned what the status of refuse collection was in the City. Mr. Jones said the City had bid out refuse service. Residents of the City can select either their own hauler (so long as the hauler meets the requirements of the City) or the authorized city hauler. A resident in the annexed area can select either their own hauler, subject to the same requirements for that hauler to operate in the city, or select the authorized city hauler. If the citizen in the annexed area selects the authorized city hauler, under the law they cannot receive the fixed city rate from the hauler for two years.

Mr. Rehagen asked what the ratio of residents per ward would be after redistricting. Mr. Jones said that after redistricting there would be approximately 2,000 residents per ward.

Mr. Rehagen asked what was the fund balance in the General Fund. Mr. Jones indicated it was approximately \$880,000. Also, how was the cost for equipment budgeted? Public Works Director Ron Williams responded that new equipment would be a part of the city's budgeting process. How did the City arrive at the cost for snow removal and road repair? Mr. Williams said they used a percent of the city's budget to decide the cost of repairing streets. Snow removal costs were developed based upon the type of area, i.e., an area with cul-de-sacs and short streets, and compared it with their cost of snow removal in the rest of the city.

Mr. Rehagen asked how the City would handle non-conforming uses. Mr. Jones said the city would seek to match their zoning classifications with that of the county. Non-conformities would be allowed to exist.

Mr. Rehagen referred to Exhibit 5 of the Proposal, asking about the location of the parks. The Parks Director, Herbert Pyne, outlined the location of the parks. Mr. Rehagen asked if the city's swimming pool would become overtaxed with this annexation. Mr. Pyne responded that he did not feel they would overtax it.

Commissioner Wojtkowski asked how many dwelling units existed in the annexed area. Mr. Jones said there were 521.

Commissioner Garino asked whether this area would be considered an "unincorporated pocket." Mr. Ramey said it would not be considered a pocket because its access was not exclusively by public or private roads from incorporated areas or another county. Ms. Garino questioned why

the city did not include this area in the election for Area III. Mr. Jones responded the City was caught between the old Boundary Commission and the law. They decided to wait until they formed the new Boundary Commission to deal with Area IV.

Ms. Garino observed that during her drive through of the area there may not be any public street lights. Mr. Williams concurred that this area did not have street lights. As to the question of what the standard was for the City, Mr. Williams said it was mixed. Some subdivisions had their own street lights, while others did not. The City pays for street lighting on arterial streets.

Regarding sidewalks, Ms. Garino observed there was only one small area where sidewalks existed. Mr. Williams did not know why this area had sidewalks, but he speculated it was platted at a time when the county required sidewalks.

Ms. Garino asked if there were drainage problems in this area. Mr. Williams indicated the city did not have specific ordinances relating to drainage. Storm water is a matter for the Metropolitan Sewer District. The city does not have specific funds or funding mechanisms for handling storm water problems.

Ms. Garino indicated that overall the cost centers for city expenditures for this annexation area: police, administration, parks, streets and snow removal, seem high, particularly the streets/snow budgets. Mr. Williams indicated what they gave to the Commission in their proposal was based upon the area and its characteristics. The public works staffing/equipment requirements are based on snow removal cost for the city. There was an increase because of the number of cul-de-sacs.

There appeared to be a variety of street surfaces and types. Has the county recently done work? Mr. Williams said he was not privy to the work of the County, but on the concrete streets you can tell by the different coloration in the concrete slabs.

Commissioner Middelkamp sought further clarification on why they did not include the annexation of Area IV in Area III. Mr. Jones responded that Area IV was studied, but the City was not prepared to include it then.

Commissioner Eckert asked whether it was possible to compare the ordinances Sunset Hills has with that of the county. Mr. Jones responded that when the county acts as a municipality, Sunset Hills has adopted codes similar, if not identical in content, to the county. Are there ordinances relating to home businesses? Mr. Jones indicated that Sunset Hills has similar ordinances to that of the county.

Commissioner Wojtkowski asked whose obligation it was to maintain sidewalks in the annexation area. Mr. Jones said if the sidewalks were public in the county, the City would be obliged to take maintenance responsibilities for those sidewalks. Mr. Wojtkowski asked whether the City could provide confirmation to that fact. Mr. Jones said the City would provide such

confirmation, if required.

Commissioner Garino asked how this annexation would affect the commercial area. Mr. Jones said the difference is in the utility tax. The county's rate is 5% while Sunset Hills' is 7.5%.

D. Public Comment

Ms. June McAllister Fowler, St. Louis County Planning, 41 S. Central, Clayton, MO 63105, submitted a preliminary written statement regarding the position of the County toward this annexation proposal. She stated while the County's position on this proposal was neutral, the County would always remain a committed provider of municipal services to the area. She 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. She said her department would clarify what work was being done along Sappington Road. She raised concerns regarding the condominiums in the annexation area. If the condominiums are a nonconforming use in Sunset Hills, the owners may have difficulty making necessary improvements.

Mr. Theodore Cover, 6161 Clovergreen Place, St. Louis, MO 63129, said he spoke from the perspective of the county resident. If they approve all twelve proposals which are currently before the commission, there would be a loss of \$1 million annually to the county. This is potentially very harmful to the county and its residents. County residents are powerless to prevent the erosion of their tax base.

Mr. Martin Zschiegner, 12811 Weber Hill, Sunset Hills, MO 63127, spoke in favor of the annexation proposal. He said he was a resident of Sunset Hills and a former alderman. He said there were three reasons why he supported the annexation: (1) to survive over time, Sunset Hills needs to be a larger community, (2) from the view of the surrounding area, the people, homes and terrain compliment Sunset Hills, and (3) it would allow the borders of Sunset Hills to be extended to their logical point.

Mr. Dominick A. Alessi, 11834 Helta Drive, St. Louis, MO 63128, spoke in favor of the proposed annexation. He said he wanted to select his own community and did not want to be a part of a new community without public facilities and experience.

Mr. Skip Ratterman, 10647 Tioga Court, St. Louis, MO 63128, said that four years ago he signed a petition to be annexed into Sunset Hills. He spoke in favor of the annexation.

Ms. Eileen Dreyer, 11 Joan Drive, St. Louis, MO 63128, said she was part of the area proposed for annexation. She supported the annexation because she felt the City of Sunset Hills was accountable for their decisions. She did not feel that way about the county. She felt some of the

zoning decisions of the county did not protect property values.

Mr. Henry W. Knapp, 4 Joan Drive, St. Louis, MO 63128, asked whether there would be absentee ballots available for those who were unable to go to the polls, if this were to be placed on the ballot. The answer given was yes.

Mr. Lynn D. Flowers, 9930 Meppen Drive, St. Louis, MO 63128, indicated he lived on a private street. Will Sunset Hills help with private street repairs or the collection of money for those repairs? He indicated he was in favor of the annexation.

Mr. Dan King, 8608 Vassel Avenue, St. Louis, MO 63123, spoke in opposition to the annexation. He indicated there were inconsistencies in the proposal. Also, as a county resident he was not in a position to vote on the proposal.

Further Questions by the Commission

Commissioner Wojtkowski asked how the city would respond to the question regarding dedication of private streets. Mr. Jones said that private streets can be dedicated to the city, if they are first brought up to city standards. This has been done in the past.

Commissioner Tretter asked what was the current ratio of police officers to residents. Chief LaGrand indicated it was 3.1 officers per 1,000 residents.

Commissioner Garino asked whether the seven (7) miles of streets were public and private. Mr. Williams indicated that did not include private streets. The City does not provide maintenance for private streets, but it does provide snow removal.

Mr. Jones presented the petitions from the residents of the annexation area who supported the proposed annexation.

Commissioner Bruer asked whether the city considered an annexation proposal based upon a simplified boundary change. Mr. Jones indicated the area was too large. It would be difficult and time consuming to deal with more than 500 dwellings. They decided against that option.

As a matter of information Chairperson Wingron asked those in attendance, by show of hands, to indicate who was in favor and who opposed the proposed annexation.

E. ADJOURNMENT

Chairperson Wingron advised the public that any further written comments regarding the proposed annexation must be filed with the Commission by August 6, 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, a motion was made by Commission Rehagen to adjourn the meeting. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes - All Nays - None *Motion Passed*

The hearing was declared closed by the Chairperson at 8:10 p.m.

Respectfully submitted,
Carl E. Ramey
Administrator

Approved August 6, 1996