

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

**MINUTES OF PUBLIC HEARING - BC9704
October 21, 1997**

COMMISSION ATTENDANCE:

COMMISSIONER	PRESENT(P)/ ABSENT(A)
ED BRUER	P
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	A
SCOTT MIDDELKAMP	P
JACK REHAGEN	P
CHARLES SAULSBERRY	P
JACK WIESEHAN	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	P

OTHERS PRESENT:

Carl Ramey - Executive Director

Steve Martin - Legal Counsel

Elizabeth Rohlfig - Administrative Assistant

CALL TO ORDER

Chairperson Wingron called to order the meeting of the Boundary Commission at 7:03 p.m. on October 21, 1997. The meeting took place at the Wildwood City Hall, Wildwood, Missouri. The purpose of the meeting was to conduct a public hearing on a proposal submitted by the Cities of Ellisville and Wildwood to transfer jurisdiction of a territory described in their proposal as the Kiefer Creek Farms Subdivision (BC9704).

PUBLIC HEARING - BC9704 - TRANSFER OF JURISDICTION - KIEFER CREEK FARMS SUBDIVISION - CITIES OF ELLISVILLE AND WILDWOOD

A. CONVENE PUBLIC HEARING

Chairperson Wingron convened the Public Hearing at 7:03 p.m. for BC9704, a proposal by the Cities of Wildwood and Ellisville to transfer jurisdiction of an area known as Kiefer Creek Farms Subdivision. She welcomed those in attendance, introduced the proposal, and explained the procedures for conducting the hearing and the behavior expected during the hearing.

B. PRESENTATION BY PROPOSING AGENT - CITY OF BELLA VILLA

Mr. Don Anderson spoke for the City of Ellisville in his capacity as City Attorney. He introduced the proposal, the first Transfer of Jurisdiction to be considered by the Boundary Commission. The particular parcel involved, Kiefer Creek Farms subdivision, is located to the south of Ellisville. The tract consists of approximately 115 acres with 26 parcels, 25 of which are dwellings devoted to residential use. The City collected verified petitions representing 96% of the residential fee owners involved in the proposal. He acknowledged the only owners who did not sign a petition in favor of the transfer of jurisdiction had moved. Although they did not sign a petition, they have placed a letter on file with the City of Ellisville stating their support.

Mr. Anderson stated the effort to incorporate Kiefer Creek Farms subdivision into the City of Ellisville pre-dates the incorporation efforts of the City of Wildwood. Although the residents had previously petitioned to be annexed by Ellisville, their subdivision was included within the new city of Wildwood. Since Wildwood's incorporation in 1995, the two cities have worked towards transferring the jurisdiction of this area to Ellisville. This proposal would accomplish that goal. Mr. Anderson then turned the presentation over to the City Manager of the City of Ellisville, Jeffrey LaGarce.

Mr. LaGarce introduced the Mayor of Ellisville, Dennis Novac, and the City Administrator of the City of Wildwood, Sue Cullinane. He reiterated the area involved is 115 acres with 26 properties. The remaining property owners, the Pilsners, were not on the petition included in the proposal because they no longer live in the area. He stated that he would address the logical basis for this request from the standpoint of finance, compactness, service delivery, and access.

Mr. LaGarce indicated the location of Kiefer Creek Road on the map. This is the only access route for providing service to the subdivision. In order for the City of Wildwood to serve this area they must come from the west through the City of Ellisville along Manchester and Kiefer Creek Roads. This results in an inefficient delivery of services.

Ellisville services a subdivision directly to the east of the area, Kiefer Creek Meadows, which is part of the City of Ellisville. It would be easy for the City to access this subdivision from Quails Nest Drive, which is just north of the entrance to Kiefer Creek Meadows.

Mr. LaGarce stated that the financial difference for residents will vary depending on the value of the property. The City levies an additional property tax above and beyond the \$.58 of St. Louis County. Since the plan was submitted, the City has reduced that rate from \$.35 to \$.25. There are two properties in the subdivision assessed at extremely high valuations, but the tax impact ranges from an additional \$22 in payment to a savings of \$144 to the residents. The City also has a ½¢ sales tax which would effect the purchase of automobiles, etc.

Mr. LaGarce mentioned that besides more efficiency in service delivery, the City of Ellisville has a different philosophy on government from the City of Wildwood, which was incorporated in part on the premise of controlling growth. Ellisville is a full service City; it subsidizes trash, hauling, and leaf pick-up, and has its own police department and public works department. The City maintains ten parks that are open to the public, although all programs are offered to residents at a reduced rate. While these services result in a higher tax rate, the City provides other benefits to reduce some of the additional cost. Currently the residents of the area pay a \$250 annual street assessment and approximately \$166 per year for private trash collection, neither of which will be required if they enter the City of Ellisville. If the area maintains a certain level of assessment, the City will pay for topical roadway maintenance. Chip and seal work has been planned for this area beginning in 1999. These savings would offset the higher property tax.

In conclusion, Mr. LaGarce stated that this proposal would have no effect on St. Louis County as it is strictly a transfer of jurisdiction between two cities. Due to the lowering of the property tax rate, Mr. LaGarce stated the City would earn slightly less than the \$20,000 a year in additional revenue estimated in their proposal. He argued the additional services provided justify that cost, which combined with other savings will prove financially beneficial to the residents. He also stated that Wildwood residents would not receive lower services as a result of this transfer. The Cities have concurred and adopted identical ordinances, and the transfer will prove to be a cost efficient change.

C. *QUESTIONS FROM THE BOUNDARY COMMISSION*

Mr. Saulsberry asked if the City anticipates any difficulty in providing services in regard to accessing the subdivision. Mr. LaGarce responded that the City already services an area directly south of the subdivision, passing Quails Nest Drive on a daily basis.

Mr. Rehagen asked if the City held any hearings or discussions with the residents of this area to address any changes in ordinances pertaining to dogs, parking, etc. Mr. LaGarce responded that the City adopted Wildwood's non-urban ordinance verbatim. There would have been differences in pet restrictions, but the City changed those restrictions to allow this area to come in. Mr. Rehagen asked if the zoning ordinance allowed for non-domestic animals. Mr. LaGarce replied it allows for dairy farming.

Mr. Rehagen asked where the police department is located in relation to the area. Mr. LaGarce answered straight north on Kiefer Creek Road and west on Manchester Road, approximately 1.5 miles from the area.

Ms. Garino asked what the reason was for the City to adopt the N-U zoning of Wildwood. Does the City not have N-U zoning? Mr. LaGarce stated that the City adopted the County's zoning for annexation, and although Wildwood adopted the County's when they incorporated, they have since changed that category somewhat, and it no longer exactly mirrors the County zoning. Mr. Anderson stated that their intention was to eliminate any potential for non-conforming uses.

Ms. Garino asked if Wildwood's zoning is not as liberal. Mr. LaGarce responded that all lots must be above 3 acres for single family, but he deferred to the City Manager of Wildwood, Sue Cullinane, to elaborate. Ms. Cullinane explained that the County N-U zoning is considered a holding pattern for areas awaiting development, but in the City of Wildwood it is an actual zoning category. Therefore they tightened the original zoning to make some permitted use conditional.

Ms. Garino asked for clarification of what portions adjacent to the area are already part of Ellisville and what remains unincorporated St. Louis County. Mr. LaGarce replied that part of Quails Nest Drive, the entrance from Kiefer Creek Road, was not incorporated into Wildwood and remains in the County. There is also a single family agricultural parcel to the north of the entrance that is unincorporated. Ms. Garino asked if the parcel is vacant. Mr. LaGarce replied there is a single piece of property. He talked to the owner in the spring about a simplified annexation, but since, she has changed her mind. Therefore the road and the lot to the north are unincorporated, which is similar to another situation they have in the City involving a vacant lot. If the transfer is approved, they hope to submit separate annexation proposals to rectify this situation. It has been brought to his attention that there may be a simpler method to bring in these parcels, but he is not sure at this time what is applicable. Mr. Anderson stated that the 1996 Akin amendment may apply, which would only require the consent of the County Council, but they are willing to bring it to the Commission for review if necessary.

Ms. Garino asked if the adjacent subdivision, Kiefer Creek Meadows was recently annexed to Ellisville. Mr. LaGarce responded approximately ten years ago.

Mr. Bruer pointed out another unincorporated wedge north of Peer Side Drive and asked if the City has plans to correct this irregularity also. Mr. LaGarce replied the City has none at this time. Mr. Bruer asked if it was developed and if they were opposed to cleaning up that situation as well. Mr. LaGarce stated that he sees no reason why the Council would object. He suggested that the City could combine submissions to clear up all these aberrations at once, but he has not contacted any of the residents involved.

Mr. Frager asked if there are other areas in the City where Ellisville is not completely responsible for road maintenance. Mr. LaGarce stated Kiefer Creek Meadows has a similar road maintenance agreement as that proposed for this subdivision because their roads do not meet the grade requirements of the City. The road is technically private property as it transgresses property lines which extend to the center of the road. These are not public streets; the roads were laid over the property lines when built, and were never deeded or dedicated to the City. Mr. Anderson added if they did apply the appropriate legal method, they would not prove wide enough to meet City standards. Rather than accept non-conforming streets, the City chose to provide a modicum of services.

Mr. Saulsberry asked if they would have to redistrict their wards. Mr. LaGarce replied that the City currently is divided into three Council district wards, and this area would be placed in district two which constitutes everything south of Manchester. There are approximately 2700 residents in each ward, and an additional 66 residents would have no significant impact on the distribution of these wards. Mr. Anderson stated that they would still be well within the 10% requirement of their charter.

Ms. Garino asked if the City would adopt the private roads in the subdivision. Mr. LaGarce replied that they wouldn't meet minimum standards, which is why they decided upon a roadway maintenance agreement to provide topical repairs. Ms. Garino asked if the roads presented a problem with accessibility for major road equipment, fire trucks, etc. Mr. LaGarce stated although they are extremely narrow roads, that is how St. Louis County platted the subdivision originally; they have only inherited the situation. The roads obviously passed the fire protection district requirements at the time they were created.

Ms. Garino asked why the date of transfer is July 1, 1998. Mr. LaGarce explained that the City agreed to conform to the beginning of Wildwood's fiscal year.

D. PUBLIC COMMENT

Mayor Dennis Novac, 527 Autumn Oaks Drive, Ellisville, MO 63021-5991, read a letter from two of the residents in the area, Ed and Carol Burnett, who could not attend the hearing. The letter stated that their desire to be a part of Ellisville is not meant to suggest any malice to the City of Wildwood. Their reason is not the difference in cost or management, as they agree with much of Wildwood's objections to urban sprawl especially as Clarkson and Clayton Roads are stressed beyond capacity. They simply think it is common sense to transfer to Ellisville because they are geographically disjointed from the City of Wildwood. It is not logical that the City of Wildwood has to drive through another City to provide services. They requested the Commission approve the transfer as soon as possible.

Mr. Mike Elli, 1155 Briar Patch, St. Louis, MO 63021, spoke as a resident of the area. He stated that the residents have met with the City of Ellisville a number of times and they do not anticipate any problems. The residents are anxious to have this situation resolved.

Ms. Jana Deutch, Trustee of Kiefer Creek Farms, 1197 Briar Patch, Wildwood, MO 63021. She stated that they have been involved in this process for a long time, starting before Wildwood became a city. She remarked that they are happy for Wildwood, but they feel that this is the right thing to do. They worked closely with the City of Ellisville and understand all the items included in the Plan of Intent which has been passed around to the residents. They are in close contact with the City, and are informed of and understand the intent of the City.

Mr. Clarence Wolf, 1125 Wood Summit, St. Louis, MO 63021, is also a Kiefer Creek Farms resident. He remarked that the important issue to consider is police protection. St. Louis County police have to cross into Ellisville to access this subdivision. The Ellisville police department can come directly to the area, and they are much closer. He also commented that large moving trucks have been able to maneuver through the area, so a fire truck should not have a problem.

F. ADJOURNMENT

Ms. Wingron announced that there is a twenty-one day period after the public hearing in which the Commission welcomes written comments. This item will be on the agenda for review at the meeting of the Boundary Commission on November 18, 1997. There being no further members of the public desiring to comment, the public hearing was declared closed by Chairperson Wingron at 7:45 p.m.

Respectfully submitted,
Carl E. Ramey
Executive Director

Approved November 4, 1997