

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION

2 FRANKLIN COUNTY GOVERNMENT CENTER

3 SECOND FLOOR COMMISSION CHAMBERS

4 400 EAST LOCUST STREET

5 UNION, MISSOURI 63084

6

7

8

9 TRANSCRIPT OF PROCEEDINGS

10 PUBLIC MEETING

11 FEBRUARY 16, 2016

12 (Commencing at 7:00 p.m.)

13

14

15

16

17

18

19

20

21

22

23 Reported by:

24 Patsy A. Hertweck, C. R.

25 Midwest Litigation Services

TRANSCRIPT OF PROCEEDINGS 2/16/2016

Page 2

	I N D E X	
		PAGE
1		
2	PROCEEDINGS	
3	Call to Order and Roll Call	5
	Hearing Procedures by Ms. Eagan	6
4	Approval of Minutes (From January 19, 2016)	8
	Communications and Visitor Comments	9
5		
	Old Business:	
6		
	File No. 150277 - Planning and Zoning Department:	
7		
	Tabled	9
8		
	New Business:	
9		
	File No. 160014 - Fredrick D. Long, II:	
10		
	Presentation by Ms. Eagan	9
11	Presentation by Applicant	11
	Discussion	14
12	Referred to Review Committee	28
13	File No. 160016 - Meramec Aggregates, Inc.:	
14	Presentation by Ms. Eagan	29
	Presentation by Applicant	35
15	Moved to Old Business	
	Discussion	
16	Referred to Review Committee	72
17	File No. 160022 - Planning and Zoning Department:	
18	Presentation and Discussion	73
	Moved to Old Business	114
19	Vote	114
20	File No. 160024 - Planning and Zoning Department:	
21	Presentation and Discussion	110
	Moved to Old Business	112
22	Vote	114
23	Preliminary Plats - None	118
	Planning and Zoning Commission Forum	118
24	Planning Director's Report	121
25	Adjournment	121

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

E X H I B I T S

IDENTIFICATION	DESCRIPTION	PAGE
COUNTY:		
EXHIBIT A	Franklin County Unified Land Use Regulations OF 2001	7
EXHIBIT B	Official Zoning Map	7
EXHIBIT C	Official Master Plan	7
EXHIBIT D	Case Files -- All Cases Heard	7

(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

1 A P P E A R A N C E S

2 BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:

3 William Evans, Jr., Chairman

4 Jay Schulteheinrich, Co-Chairman

5 Timothy Reinhold, Commissioner

6 Donald Voss, Commissioner

7 Bill McLaren, Commissioner

8 Ray Cunio, Commissioner

9 Ron Williams, Commissioner

10 Todd Boland, Commissioner

11 Dan Haire, Commissioner

12 Tom Tobben, Commissioner

13

14 PLANNING AND ZONING STAFF:

15 Ms. Scottie Eagan, Planning Director

16 Ms. Nichole Zielke, Administrative Assistant

17

18 LEGAL COUNSEL:

19 Mark Vincent, County Attorney

20 MIDWEST LITIGATION SERVICES:

21 By: Patsy A. Hertweck, C. R.

22 711 North Eleventh Street

23 St. Louis, Missouri 63101

24 (314) 644-2191

25

1 P R O C E E D I N G S

2 [FEBRUARY 16, 2016]

3 CHAIRMAN EVANS: I'd like to go ahead and  
4 call the February 16th meeting of the Franklin County Planning  
5 and Zoning Commission to order. If there are any Commissioners  
6 who have any conflicts of interest, communication, now would be  
7 the time to declare that. There is no declarations.

8 Scottie, will you please take roll.

9 MS. EAGAN: Bill Evans?

10 CHAIRMAN EVANS: Here.

11 MS. EAGAN: Jay Schulteheinrich?

12 COMMISSIONER SCHULTEHENRICH: Here.

13 MS. EAGAN: Todd Boland?

14 COMMISSIONER BOLAND: Here.

15 MS. EAGAN: Tim Reinhold?

16 COMMISSIONER REINHOLD: Here.

17 MS. EAGAN: Ray Cunio?

18 COMMISSIONER CUNIO: Here.

19 MS. EAGAN: Tom Tobben?

20 COMMISSIONER TOBBEN: Here.

21 MS. EAGAN: Bill McLaren?

22 COMMISSIONER McLAREN: Here.

23 MS. EAGAN: Don Voss?

24 COMMISSIONER VOSS: Here.

25 MS. EAGAN: Dan Haire?

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Russell McCreary?

3 COMMISSIONER McCREARY: [Not present.]

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Okay. We have a quorum.

7 CHAIRMAN EVANS: Thank you.

8 Commissioner McCreary is doing well after his knee  
9 surgery and should be back with us next month.

10 Scottie, will you please give us the presentation of  
11 the meeting minutes -- procedures and exhibits.

12 MS. EAGAN: Tonight's Planning Commission  
13 meeting is governed by the Franklin County Unified Land Use  
14 Regulations of 2001.

15 Some matters on the agenda maybe up for action by  
16 the Planning and Zoning Commission. These matters do not involve  
17 a public hearing. Other matters on the agenda require public  
18 hearings under Missouri law. If a matter involves a public  
19 hearing, all individuals who desire to testify will be given an  
20 opportunity to do so.

21 At this time, I would like to place into the record  
22 these Regulations as Exhibit A, the official Zoning Map as  
23 Exhibit B, the official Master Plan as Exhibit C, and the case  
24 file for each case as Exhibit D for all the cases to be heard  
25 during the meeting.

1 [Thereupon, evidence was marked  
2 for identification and presented for the record  
3 as Planning and Zoning Exhibits A, B, C,  
4 and D.]

5 All Old Business items on the agenda will be dealt  
6 with first.

7 Once the Old Business issues have been taken care  
8 of, each item of New Business will be opened.

9 As each case is opened, a staff report will first be  
10 read to the Commission, followed by any questions for the staff.

11 Then if anyone in the audience would like to speak  
12 or comment on a file that is part of the public hearing, they  
13 must first print their name on the sign-in sheet provided, and  
14 then be sworn in by the Chairman.

15 When it is your turn to speak, you will come to the  
16 front of the room to address the Commission and only the  
17 Commission, not anyone in the audience, with your comments.

18 It is possible for the Planning Commission to decide  
19 to move a New Business issue to Old Business and vote on it the  
20 same night.

21 At the conclusion of all questions, comments, and  
22 discussion concerning each case, the Planning Commission will  
23 proceed. Any final decision by the Planning and Zoning  
24 Commission concerning conditional use permits may be appealed to  
25 the Board of Zoning Adjustment any time within 90 days.

1 Applications for such an appeal may be acquired from  
2 the Department offices during normal business hours.

3 CHAIRMAN EVANS: Thank you.

4 Each of the Commissioners should have received a  
5 copy of the January 19th meeting minutes. If there are no  
6 corrections or additions, the Chair will entertain a motion to  
7 approve.

8 COMMISSIONER SCHULTEHENRICH: Mr.  
9 Chairman, I'll make a motion that we approve the minutes for the  
10 January 19th meeting.

11 COMMISSIONER HAIRE: I second it.

12 CHAIRMAN EVANS: We have a motion and a  
13 second to approve the minutes. All in favor signify by signing  
14 aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER CUNIO: Aye.

19 COMMISSIONER WILLIAMS: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 COMMISSIONER SCHULTEHENRICH: Aye.

25 CHAIRMAN EVANS: Opposed? [None]

1 The minutes are approved.

2 Communication and Visitors Comments. I should  
3 mention here that we have two files tonight, each one which  
4 constitutes a public hearing in which you can be sworn in and  
5 your testimony will be included in the file. So if you're  
6 looking at either of those two files, I would wait till then  
7 because each party -- each side will have the opportunity those  
8 in favor of it and those opposed to.

9 Communications and Visitors Comments are more  
10 general in nature. They will be in the minutes, but will not be  
11 part of the either of those two files.

12 Saying that, is there anyone wishing to address the  
13 Commission? [None.]

14 If not, we'll move on to Old Business File 150277  
15 has been tabled until the June 21, 2016 meeting.

16 New Business File 160014, Fredrick D. Long, II.  
17 Scottie, will you please give us the details.

18 MS. EAGAN: The File is 160014, Fredrick  
19 Long, II.

20 The applicant is requesting to host special events,  
21 periodic in the Non-Urban and Agricultural Zoning District.

22 The property is located at 1775 Bieker Road,  
23 approximately one mile south of South Point Road in St. John's  
24 Township.

25 The Facts: The total area for the property is

1 approximately 20 acres.

2 The zoning of this property is Non-Urban and  
3 Agricultural. In this district, Special and Periodic require a  
4 Conditional Use Permit.

5 The surrounding properties are zoned Non-Urban and  
6 Agricultural.

7 The property is surrounded by low-density  
8 residential land mainly to the south and undeveloped/farmland to  
9 the north, west and east.

10 This property has access to Bieker Road. This is a  
11 county road with a right-of-way width of approximately 40 feet.

12 The property is located within Water District No. 3.

13 The applicant wishes to use this property to host  
14 weddings or similar events with up to 200 people.

15 The applicant states that all events would not run  
16 later than 10:00p.m.

17 The applicant states he owns a rest room trailer  
18 with four bathrooms that would be used for the events.

19 Staff Comments: Any buildings used or built in  
20 connection with this CUP will need to be approved by the Franklin  
21 County Building Department for a commercial building.

22 All conditions shall be completed within one year of  
23 approval, unless otherwise stated. Failure to meet all  
24 conditions may result in the application expiring.

25 Any new and/or existing entrances onto Bieker Road

1 are to be examined by the Franklin County Highway Department for  
2 a commercial entrance. Planning and Zoning shall receive a copy  
3 of the permit prior to the applicant commencing any activities on  
4 the property.

5 Parking and parking surface shall be provided in  
6 accordance with the Franklin County Land Use Regulations.

7 There should be hours of operation for this proposed  
8 activity.

9 According to the sketch, it appears there is one way  
10 in and one way out. If the applicant wishes to use this road for  
11 ingress and egress, the width shall be at least 18 feet wide.

12 CHAIRMAN EVANS: Thank you.

13 Is the Applicant present?

14 MR. FREDRICK LONG, II: Yes, sir.

15 CHAIRMAN EVANS: Would you please come  
16 forward. State your name and address, please.

17 MR. LONG: Yes. My name is Fredrick D.  
18 Long, II. My address 1775 Bieker Road, Washington, Missouri.

19 [Thereupon, the witness was sworn.]

20 CHAIRMAN EVANS: Please give as little  
21 detail on what's your proposal.

22 MR. LONG: A little detail. What it is  
23 it's an eight-acre rock quarry lake. I've got the main road that  
24 comes right in off of Bieker road. I've got new gates going up  
25 right now as we speak. They're 22 feet wide. The whole road --

1 I already went down the whole road. I've got 18 foot clearances.

2 In a lot of areas, I have 25 to 30 feet clearance.

3 So when you get down to the property, the house  
4 would not be holding any parties, per se. The house would be  
5 pretty much just for the wedding people to stay there overnight,  
6 nightly, things like that. The house sleeps up to 16 people.  
7 And that's how I'm proposing it. So meaning none of the 200  
8 people like for the wedding venues or for the, you know, whatever  
9 venue it would be would be inside the house. They would be all  
10 outside in tents, things like that, and that's why I have the  
11 rest room trailer that I purchased, because they wouldn't be  
12 using my septic tank. So because I'm on a -- I've got a septic  
13 field of 600 feet.

14 CHAIRMAN EVANS: Okay. Commissioners have  
15 any questions?

16 COMMISSIONER HAIRE: Where would you be  
17 parking the cars?

18 MR. LONG: Oh, parking the cars. If you  
19 pull back up the screen on Google Maps, that's a lake map. I  
20 think I gave everybody an up-to-date map. So if you look at your  
21 up-to-date map, you can see a big gravel parking lot west of that  
22 house. So west would be to the left of the lakes. Those are the  
23 old lakes at the time, and I cleaned those all out and which you  
24 can see on Google Maps. So to the west, which would be exactly  
25 to the left of the house, would be parking. And the amount of

1 parking that I have is actually 1.1 acres of all the gravel lot.  
2 So which is actually sufficient enough for up to 300 feet -- feet  
3 of vehicles to be parked. So...

4 COMMISSIONER BOLAND: Mr. Long, have you  
5 been holding events there already?

6 MR. LONG: No, sir.

7 CHAIRMAN EVANS: Jay?

8 COMMISSIONER CUNIO: The house that's  
9 there now is that used as a residence?

10 MR. LONG: It's residential. I live there  
11 presently, yes, sir.

12 COMMISSIONER CUNIO: And you say it will  
13 accom- -- sleep 16 people?

14 MR. LONG: Yes, sir. It's a  
15 5,000-square-foot house that I designed myself.

16 COMMISSIONER McLAREN: Is it currently  
17 being used as a bed and breakfast too?

18 MR. LONG: No, sir.

19 COMMISSIONER McLAREN: Okay. I went on  
20 your web site.

21 MR. LONG: Yes.

22 COMMISSIONER McLAREN: And it portrays it  
23 as being used as a bed and breakfast that sleeps up -- or I think  
24 it said up to 20 people.

25 MR. LONG: Well, that -- that's it depends

1 on -- it can actually hold that many people, you know, if they  
2 did beds, things like that. But they'd be renting out the rest  
3 room trailer. You know, I mean, so that's why, you know, I try  
4 to approach it like that. Then I can always allow less people,  
5 you know. I usually target after 12 people. And as far as this  
6 year, I've had, you know, one guy in the beginning of the year,  
7 you know, ended up renting the house, and he had 12 people with  
8 him. It was, you know, pretty much close family members, things  
9 like that.

10 COMMISSIONER McLAREN: So you are using it  
11 as a bed and breakfast currently?

12 MR. LONG: Yes, yes.

13 COMMISSIONER McLAREN: All right.

14 MR. LONG: But -- but it's not like --  
15 it's not active. I mean, it's active, but I'm not --

16 COMMISSIONER McLAREN: You've got a nice  
17 looking web site.

18 MR. LONG: Thank you. Big thanks to my  
19 sister, Tarah Riogal.

20 COMMISSIONER McLAREN: How deep is the  
21 lake?

22 MR. LONG: The lake currently is 12 feet  
23 deep.

24 COMMISSIONER McLAREN: Okay. And I  
25 assumed it was a rock quarry lake, looking at it.

1 MR. LONG: Yes, sir.

2 COMMISSIONER McLAREN: And I own a wedding  
3 venue also. So in fairness to you, and we had to come and get a  
4 CUP also. I would like a 18-foot road is probably not adequate  
5 because it's been my experience that people that tend to going to  
6 wedding venues tend to of a couple of drinks and somebody's going  
7 out and somebody's coming in. I would think personally the road  
8 needs to be wider than that.

9 MR. LONG: Yeah. Well, I mean, I've got  
10 several areas where the road actually goes a lot wider to where  
11 people can pass each other, things like that. So there's only  
12 one part of the road that -- well, yeah, one part of the road  
13 that is actually 18 feet wide. Everywhere else is actually wider  
14 than 18 feet. So and that's presently how the road sits right  
15 now. So I mean, I can actually bring in Rosco, you know, and  
16 make the road a little wider. I mean, that's no big deal. So  
17 you know, and right now all along the lakes, you know, say if  
18 people are drinking or whatever, that there's all boulders.  
19 So...

20 COMMISSIONER McLAREN: And I saw the  
21 boulders. That's why I was curious about the width of the road,  
22 how deep. You know the quarry lake sometimes is real deep -- and  
23 how deep it was along the roadway.

24 MR. LONG: No, all along the roadway, it  
25 is eight feet. It depends where you're at. So it's eight feet

1 along the channel, like six feet, then goes to eight feet, and  
2 then as you make the bend and as you're leaving the house, you  
3 make a bend to the left. That channel right there is 12 feet  
4 deep, and then you go up the hill. You continue on to the next  
5 lake, and then it starts from one foot, and then it goes all the  
6 way to twelve feet. So -- but all along that area is, I mean --  
7 if you take your car and you're driving, say, 10, 15 even 20  
8 miles an hour, and try to hit one of those boulders. So I mean  
9 all those boulders got moved by bigger pay loader, and they are  
10 not light. So you know, that's why I mean, I -- safety comes  
11 first, and that's why I ended up doing all those boulders. I did  
12 that just for myself. You know, say if I have guests leaving and  
13 things like that at night and if they slide, you know, there'd be  
14 no issues. So...

15 CHAIRMAN EVANS: Jay, do you have a  
16 question?

17 COMMISSIONER SCHULTEHENRICH: I did, Mr.  
18 Chairman.

19 You indicated in your presentation eight acres. You  
20 got on here it talks about 20 acres. Are you talking about  
21 eight acres for this consideration for us, or are you talking  
22 about twenty acres on there?

23 MR. LONG: No, 20 acres considering this  
24 8-acre lake. The lake is eight acres.

25 COMMISSIONER SCHULTEHENRICH: Okay,

1 20 acres --

2 MR. LONG: Is land hole.

3 COMMISSIONER SCHULTEHENRICH: By looking  
4 at the map here, looks like there's a lot of open space, and then  
5 through some trees, and that -- is that what I'm seeing here?

6 MR. LONG: Yes, sir.

7 COMMISSIONER SCHULTEHENRICH: Scottie, I  
8 guess this question would be to you. Is with this much acres for  
9 us being approved for special events, is this a potential down  
10 the read to be for mud runs or motor crosses or anything like  
11 that or anything?

12 MS. EAGAN: No, special events periodic is  
13 pretty specific to what you can use it for. It he did anything  
14 mud run related or carnival, circus, stuff like that, it's  
15 special events occasional. So he'd have to come back and get a  
16 new conditional use permit.

17 COMMISSIONER SCHULTEHENRICH: Okay. That  
18 answered my question.

19 On the rest room that you have, I'm familiar with  
20 rest rooms. If you have that size rest room I'm thinking of, is  
21 that how you going to handle that in regards to both for men and  
22 for women? The one that you have, is it accommodating to both?

23 MR. LONG: Yes, sir. It's a JAG trailer.  
24 It's 12 feet long, 8 feet wide, and what it is, it has 550  
25 gallons of storage of you know, septic tank storage, a black

1 water tank, and that it also has 200 gallons fresh water.

2 In addition, it has all battery backup, so where it  
3 doesn't have to be plugged in. You know, so I mean, I can rent  
4 it out to other venues, you know, but that's why I bought it, for  
5 mainly my venue and you know, whenever my venue doesn't need it,  
6 I can use it, I can use it for other venues as well.

7 COMMISSIONER SCHULTEHENRICH: I was just  
8 curious. It didn't a bearing basically, I don't think, upon our  
9 discussion much on this. But it --

10 MR. LONG: It's two women's and two men's.

11 COMMISSIONER SCHULTEHENRICH -- the ones  
12 I'm familiar with it was for one or the other.

13 MR. LONG: No.

14 COMMISSIONER SCHULTEHENRICH: But you had  
15 to have two of them out there --

16 MR. LONG: No.

17 COMMISSIONER SCHULTEHENRICH: -- at one  
18 time. And you have one that is --

19 MR. LONG: Yes, yes.

20 COMMISSIONER SCHULTEHENRICH: -- different  
21 than what I'm familiar with.

22 MR. LONG: Two women's and two men's, and  
23 it'll actually maintain it up 350 people for 12 hours.

24 COMMISSIONER SCHULTEHENRICH: Thank you.

25 COMMISSIONER HAIRE: Were you planning on

1 having the events all week long or just weekends only?

2 MR. LONG: No, just pretty much weekends  
3 only. You know, because during the week, no one is going to be  
4 like holding their wedding, you know, and I'm not going after  
5 that. You know, I'm pretty much just going for special events  
6 venues and things like that. I mean, the bed and breakfast, now,  
7 that could be, you know, all week long. You know, I would say if  
8 some decides to rent out the house for like a bed and breakfast,  
9 like he said, you know, that is nightly. And I usually don't  
10 have people stay over a week. I just don't like. You know, I  
11 usually like to get people in and out. You know, I'm not doing a  
12 monthly rental, you know. So...

13 COMMISSIONER BOLAND: Nichole. Does he  
14 need a permit then for the bed and breakfast?

15 MS. ZIELKE: No.

16 COMMISSIONER BOLAND: No, okay.

17 CHAIRMAN EVANS: It's a permitted use in  
18 that zoning district.

19 COMMISSIONER SCHULTEHENRICH: Could I ask  
20 another question, Mr. Chairman?

21 Where is the nearest residence to this request here?

22 Is it a thousand feet away; is it 1500 feet away?

23 MS. EAGAN: It's south. It's south of  
24 him. You can see on the map right there where Nichole's map is.

25 COMMISSIONER SCHULTEHENRICH: Right there.

1 MS. EAGAN: No, it's that one. It's up on  
2 a ridge.

3 MR. LONG: Yeah, it's 110 feet of  
4 different elevation up on top of the cliff.

5 COMMISSIONER SCHULTEHENRICH: When I look  
6 at this map here, is this the house where the bed and breakfast  
7 would take place?

8 MS. EAGAN: That's his house on the  
9 property.

10 MR. LONG: Yes, that's my house.

11 MS. EAGAN: You can't see the residence on  
12 this map.

13 COMMISSIONER SCHULTEHENRICH: The  
14 residence is to, if I was to say, the bottom of this map here?

15 MS. ZIELKE: This one?

16 COMMISSIONER SCHULTEHENRICH: Is the  
17 residence to the bottom down over here?

18 MS. EAGAN: The residence would be up if  
19 you're holding it this way. The residency, yes.

20 COMMISSIONER SCHULTEHENRICH: It's up here  
21 then, okay.

22 And there is a buffer between that somewhat; is that  
23 what I'm seeing there, or is it no buffer at all?

24 MS. EAGAN: There are trees and it's up on  
25 a cliff and then there's trees separating the two properties.

1 COMMISSIONER SCHULTEHENRICH: Yeah, I have  
2 not been out there.

3 COMMISSIONER McLAREN: No, all I've done,  
4 you know, looked at the web site, and been --

5 COMMISSIONER SCHULTEHENRICH: Oh, okay.

6 MR. LONG: And you can see the treeline on  
7 the web site with other photos, and you can also see it's a light  
8 pole. There's even on that county road, what you see south of  
9 those existing lakes right there, that county road, that runs all  
10 the way back, which is just -- it's myself, the neighbor right to  
11 the bottom of the map, and then the neighbor all the way down to  
12 the left. That road is lined with boulders as well. So I mean,  
13 that protects anybody from if they were driving down that road,  
14 they wouldn't -- but nobody would be using that road as far as  
15 access because I'm -- I'm approaching everybody from Bieker Road,  
16 which you can see clear as day whenever you drive on down, you  
17 know, if you're coming from the bottom of the map going up, take  
18 a left, and I've got a front-entry pond right there, which I'm  
19 putting lights all around the boulders, and I also have two gates  
20 being made by Hazlick Steel [phonetic] that are five and a half  
21 feet wide. It's 5.5 feet tall by 22 feet wide, and I'm putting  
22 lights all around there and I'm doing Dry Vit columns on each  
23 side of them. So...

24 CHAIRMAN EVANS: Now, I assume that the  
25 events themselves would take place where you've indicated there's

1 going to be a tent?

2 MR. LONG: Yes, sir. So the tent can be  
3 on either side, which can see on the map, can be either as you're  
4 standing in the house looking out onto the lakes, the tent can be  
5 on the left-hand side or the tents can be on the right-hand side.  
6 I have power on both sides of the house, which I also have an 800  
7 amp CT cabinet so I can get plenty of power for any type of  
8 wedding venue plenty of power or anything. And I have all LED  
9 light, so there's -- that doesn't become an effect.

10 CHAIRMAN EVANS: But will it be open-sided  
11 then?

12 MR. LONG: Yes. Yes, it can be open-sided  
13 or closed-sided.

14 CHAIRMAN EVANS: We're pretty much looking  
15 at a warm weather venue?

16 MR. LONG: Yes. Yes. Yeah, because a lot  
17 of people like during the wintertime, you know, they're not going  
18 to be in a tent because you can't really -- not matter if I put  
19 gas heaters, temporary gas heaters in there, maybe I'll take a  
20 little chill out, but I don't think people would be renting it  
21 any time in the fall or wintertime. You know, they will for the  
22 bed and breakfast.

23 CHAIRMAN EVANS: Any other questions,  
24 comments from the Commissioners?

25 COMMISSIONER McLAREN: I probably have two

1 more. I know we're going to do some definition stuff, but the  
2 way I read it, read the definitions right now is it permissible  
3 to do a tent?

4 MS. EAGAN: Technically not, but you guys  
5 have done it in the past.

6 COMMISSIONER McLAREN: Okay. And well,  
7 that's -- we've -- I mean, there's been seven of those in the  
8 last three years, I think. So it's getting to be a pretty  
9 popular thing. I think we need to try to be fair to everybody.  
10 And is there -- to do lighting in the tents, then is that  
11 something the County inspects, or is that...

12 MS. EAGAN: From my understanding, if you  
13 do a tent, you still have to get a building permit. I could be  
14 wrong, but --

15 MR. LONG: Okay.

16 MS. EAGAN: I know Mazan [phonetic] had to  
17 get a building permit when they put their tents up.

18 COMMISSIONER McLAREN: And that goes up  
19 and it stays up for the year?

20 MS. EAGAN: Not for the year, just for the  
21 summer months.

22 COMMISSIONER HAIRE: Seasonally, yeah.

23 MS. EAGAN: Yeah.

24 MR. LONG: So each -- go ahead, sir.

25 COMMISSIONER BOLAND: So will he have to

1 get a building permit every time he puts up a tent?

2 MS. EAGAN: I was just going to tell him  
3 he -- you need to contact the Building Department and see what  
4 their rules are about that.

5 MR. LONG: Okay, thanks. That'll work.

6 COMMISSIONER BOLAND: That was your  
7 question?

8 MR. LONG: Yeah, that was my question.  
9 Yeah, so before each time, before each venue?

10 MS. EAGAN: I would talk to the Building  
11 Department.

12 MR. LONG: Okay. Yeah, because I wouldn't  
13 be doing any part of building the tent. That would be a whole  
14 nother company, you know, that would be subcontracted out and not  
15 by me. Maybe by me occasionally, but it would be mostly by  
16 whoever would have the venue.

17 MS. EAGAN: I see.

18 MR. LONG: Yeah.

19 CHAIRMAN EVANS: Jay?

20 COMMISSIONER SCHULTEHENRICH: I think --  
21 Bill, to answer yours, I think on the agenda on definitions --

22 COMMISSIONER McLAREN: I know that we're  
23 going to --

24 COMMISSIONER SCHULTEHENRICH: You saw  
25 where we're taking out which is permanent in nature?

1 COMMISSIONER McLAREN: Uh-huh.

2 COMMISSIONER SCHULTEHENRICH: Okay.

3 COMMISSIONER McLAREN: But that's coming  
4 later.

5 COMMISSIONER SCHULTEHENRICH: I think that  
6 without specifying a tent, I think that by taking that out, I  
7 think that allows a tent. Okay. I think it would. That would  
8 be my interpretation of it.

9 CHAIRMAN EVANS: I think that Bill's was  
10 quoting this letter of law. Right now that's none until we  
11 change it.

12 COMMISSIONER SCHULTEHENRICH: Well, it  
13 doesn't specify tent, but I mean, in all fairness, I think tent  
14 could be permanently installed as a structure without taking it  
15 down, and I think it still meets what I read here and what we  
16 currently have on our thing.

17 COMMISSIONER McLAREN: And I agree with  
18 that. I think if it's -- you know, if there's going to be  
19 electric in it, I was curious if it was going to inspected.

20 COMMISSIONER SCHULTEHENRICH: Yeah.

21 COMMISSIONER McLAREN: That's -- that's  
22 the -- you know, after the tent blew away down at the stadium,  
23 you kind of start thinking about stuff.

24 COMMISSIONER SCHULTEHENRICH: Yeah.  
25 That's fair. That's fair.

1 MR. LONG: I can always build another  
2 structure.

3 CHAIRMAN EVANS: Any other questions?  
4 [None]

5 Thank you.

6 MR. LONG: Thank you.

7 CHAIRMAN EVANS: Anyone else present  
8 wishing to speak in favor of this file. If you'll step forward,  
9 state your name and address and sign in.

10 MS. TARAH RIOGEL: Tarah Riogal, address  
11 5105 Bethlehem Church Road.

12 [Thereupon, the witness was sworn.]

13 I just want to clear up the whole bed and breakfast  
14 situation. I know that he came up here and he's like, no, it's  
15 not a bed and breakfast. It technically is not a bed and  
16 breakfast. It's a vacation rental. So I don't want you to think  
17 that he was trying to say that it wasn't and then it was because  
18 you saw the web site. But it is confusing because a lot of  
19 people refer to it as a bed and breakfast and it's really not.  
20 He doesn't make breakfast for people, and he doesn't stay there.  
21 So they get to be alone.

22 Also the tent situation, you know, he is saying  
23 that, you know, there'll be other companies like the rental, you  
24 know, the wedding rental company down in like Fenton that will  
25 come in and set up the tent for him, you know, or for the people

1 that are getting married, you know, instead of him being there  
2 and setting it up, but sometimes he might as well. I just wanted  
3 to kind of clear those things up a little bit. I didn't know if  
4 confusing or not.

5 So that's really all I have. Thank you.

6 CHAIRMAN EVANS: Thank you. Anyone else  
7 present wishing to speak in support? [None]

8 If not, is there anyone present that wishes to speak  
9 in opposition? (None.) No one.

10 Any other discussion from the Commissioners?

11 COMMISSIONER SCHULTEHENRICH: Even though  
12 there is nobody that speaks in opposition to it, it would seem to  
13 me as though this would be -- we have tried to address hours and  
14 when the events can be held, and I'm not sure I clearly see some  
15 of that as to when and hours. I think without us having a clear  
16 focus, I think this is a situation that ought to go to the Review  
17 Committee and come back to us with their suggestions or so in  
18 regards to what some of the conditions would be placed upon it.  
19 Okay. So that would be my -- even though we have no opposition  
20 to it, it can be moved over. I would think this would be a  
21 timely one to let the Review Committee give a review to it.

22 CHAIRMAN EVANS: I think you're probably  
23 right, and I doubt the applicant is going to have any weddings in  
24 February.

25 COMMISSIONER SCHULTEHENRICH: Not if it's

1 going to be warm -- open type tent. So...

2 CHAIRMAN EVANS: Other discussion? The  
3 Chair would entertain a motion.

4 COMMISSIONER SCHULTEHENRICH:  
5 Mr. Chairman, I'll make a motion that the -- that this File  
6 Number 160014 be sent to the Review Committee for their input and  
7 to be brought back after their review, and I would ask that  
8 the -- the file be closed as of tonight's meeting.

9 CHAIRMAN EVANS: I'm sorry. Closed as of  
10 tonight?

11 COMMISSIONER SCHULTEHENRICH: Yes.

12 COMMISSIONER CUNIO: I'll second that.

13 CHAIRMAN EVANS: We have a motion and a  
14 second on File 16014 to send to Review Committee. All in favor  
15 signify by saying aye.

16 COMMISSIONER REINHOLD: Aye.

17 COMMISSIONER VOSS: Aye.

18 COMMISSIONER McLAREN: Aye.

19 COMMISSIONER CUNIO: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 CHAIRMAN EVANS: Aye.

22 COMMISSIONER BOLAND: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 COMMISSIONER SCHULTEHENRICH: Aye.

1 CHAIRMAN EVANS: Opposed? [None]

2 Motion is carried.

3 Moving on to the File 160016, Meramec Aggregates,  
4 Inc.

5 Scottie, will you please give us the details.

6 MS. EAGAN: This is File 160016, Meramec  
7 Aggregates.

8 The applicant wishes to mine Meramec sand and gravel  
9 in the Non-Urban and Agricultural Zoning District.

10 The property is located at 1200 Ely Road,  
11 approximately 6/10 mile north of River Ben Road in Calvey  
12 Township.

13 The Facts: The total acreage of the property is  
14 approximately 195 acres in size. According to the sketch of the  
15 property, the applicant only plans to use a portion of the  
16 property, approximately 10 acres.

17 The property is in the Non-Urban and Agricultural  
18 Zoning District. The extraction, quarrying or mining of sand,  
19 gravel, topsoil or other material requires a Conditional Use  
20 Permit in this zoning district.

21 This operation would take material from the area  
22 where they will be creating a lake.

23 The area surrounding the property is primarily  
24 undeveloped land with a few low-density residential properties  
25 nearby.



1 really important.

2 CHAIRMAN EVANS: Is the applicant present?

3 [Off-the-record comments.]

4 COMMISSIONER SCHULTEHENRICH:

5 Mr. Chairman, before we get started on that, could I ask if, by  
6 chance, this applicant had applied a few years ago for  
7 Conditional Use Permit in an area pretty close proximity to this  
8 area here, and we had granted the Conditional Use Permit, but we  
9 put some conditions upon it? By chance, do we have any copies of  
10 those conditions that we had placed upon it at that time?

11 MS. EAGAN: I don't have it up here. We  
12 can get a copy about the file downstairs, but I don't have it  
13 here.

14 COMMISSIONER SCHULTEHENRICH: I was just  
15 curious if you had a copy by chance. Thank you.

16 CHAIRMAN EVANS: I do remember about state  
17 and federal regulations, endangered species and flora.

18 COMMISSIONER SCHULTEHENRICH: Was that on  
19 the application or the one dredge sand out of the land itself? I  
20 don't remember which one it was, Bill.

21 CHAIRMAN EVANS: I don't either.

22 [Off-the-record comments.]

23 While we're waiting, Mr. Long, what we will do is  
24 this will go to the Review Committee. They will review it for  
25 different conditions, and come back with a recommendation next

1 month, which could include hours, maybe some more questions and  
2 whatever. But we're actually done dealing with your file  
3 tonight. So...

4 MR. LONG: All right.

5 CHAIRMAN EVANS: You're welcome to stay.

6 COMMISSIONER SCHULTEHENRICH: Do you think  
7 you're going to be in need of asking them any questions after  
8 tonight's meeting on hours or what they're considering to be on  
9 day or weekend events or so on there? If so, I would -- I'm  
10 going to have to amend my -- or make another motion to keep the  
11 file open for a period of time, okay, which would give the Review  
12 Committee time to discuss those questions with the applicant?

13 CHAIRMAN EVANS: Actually the Review  
14 Committee is an open, and the applicant can be there. But to  
15 clarify what has already been in the file which includes hours,  
16 so I think that would not be a violation.

17 COMMISSIONER SCHULTEHENRICH: Okay. We  
18 have that in the file being cautious on that I guess.

19 MS. EAGAN: We have the events won't run.

20 COMMISSIONER SCHULTEHENRICH: That's  
21 requirement then. We need to put something on --

22 MS. EAGAN: Well, that's what his  
23 application says.

24 COMMISSIONER SCHULTEHENRICH: Okay.

25 CHAIRMAN EVANS: So that's what I'm

1 saying, this is part of the record.

2 COMMISSIONER HAIRE: Uh-huh.

3 COMMISSIONER SCHULTEHENRICH: Does he have  
4 it specified or are you considering weekends only for events, or  
5 are you considering week days and weekends or that's -- those are  
6 the questions that are still in my mind that if that's not in the  
7 file, then my suggestion is that what I did was put an end to the  
8 file and closed it tonight, but I think we'd be better off  
9 keeping it open for a little bit more than if you're want --  
10 you're wanting to explore that, okay. So...

11 COMMISSIONER HAIRE: Well, he did indicate  
12 it would be weekends for the events, and then for the rental of  
13 the property would be during the week. I mean, that's what he  
14 said in his testimony.

15 CHAIRMAN EVANS: And, yeah, I think we  
16 have file since the motion has already carried. I think we got  
17 some Robert's problem that said we can not go back.

18 COMMISSIONER SCHULTEHENRICH: If you feel  
19 comfortable then, then that would be the way.

20 CHAIRMAN EVANS: I feel comfortable in  
21 that we talked about the hours and it would be during the week.  
22 So would just be clarifying what's already in the file. Mark,  
23 would you agree with that?

24 COUNTY ATTORNEY VINCENT: Right.

25 COMMISSIONER SCHULTEHENRICH: That's fine

1 then.

2 CHAIRMAN EVANS: So the Review Committee  
3 is an open meeting and you can attend, and if you'd like to  
4 provide clarification then, and it is the first Friday after the  
5 first Tuesday of the month at 8:30.

6 MR. LONG: I'll have to the write that  
7 down.

8 COUNTY ATTORNEY VINCENT: But only when  
9 the moon's full.

10 MR. LONG: Almost like a union meeting  
11 that I'm used to.

12 CHAIRMAN EVANS: It is actually downstairs  
13 on the first floor in the Planning and Zoning office in their  
14 conference room.

15 MS. EAGAN: 8:30 in the morning, March  
16 4th.

17 CHAIRMAN EVANS: If you have question, you  
18 can call Scottie or Nichole.

19 [Thereupon, the witness was sworn.]

20 CHAIRMAN EVANS: State your name and  
21 address, please.

22 MR. CAMERON LUEKEN: My name is Cameron  
23 Lueken with Wonderlick Surveying and Engineering, 512 East Main,  
24 Union.

25 CHAIRMAN EVANS: Could you please give us

1 some detail on what you're proposing.

2 MR. LUEKEN: Yes.

3 So tonight, like I said, I'm Cameron with  
4 Wonderlick. I'm here representing the applicant, which is Haven  
5 Material. Also with me tonight is Mr. Jeffrey. He's the  
6 landowner upon which the CUP is applying for. Here we go. This  
7 is going to be -- so, guys, this use permit we're applying for,  
8 we're going to talk about the need. And some of this -- I'm sure  
9 some of you remember this from last time, but let me introduce  
10 some of these.

11 We're going to talk about the need, who is going to  
12 it, how we're going to do it, where we're going to do it, when  
13 we're going to do it, and the nearest residences to the  
14 application. So let's talk about the need.

15 So common practice in this area is cement or  
16 concrete is composed of sand and gravel, and we're going to talk  
17 about how we extract that sand and gravel from these areas  
18 tonight.

19 We're going to talk about the uniquely qualified source.  
20 So what does that mean? Basically this is a report that was done  
21 September of '14 for a gravel and sand plant that's in the Fenton  
22 area, and they were wanting to expand that. And a couple of  
23 geologists did this report, and basically identified -- okay.  
24 Sorry, I thought you had a question -- basically they identify  
25 how there's a need to qualify. And what's unique about it is

1 that based on its -- the way it's naturally -- its natural state  
2 is that its roundness, its angularity, cleanliness, and most  
3 often the absence of coal or lignite in it makes it the ideal  
4 aggregate for concrete.

5 So this paragraph here talks about, you know, where  
6 it's exactly located, and you know, this area that's referred to  
7 is the area that the application is -- is in tonight.

8 Here is a -- this is a MoDOT page -- page from the  
9 web site talking about aggregates for cement or concrete, and  
10 even MoDOT identifies that, hey, there's only so much coal and  
11 lignite allowed per percentage by weight by mass of the concrete  
12 if you're going to use this on a MoDOT job.

13 There's also ACM, C33 lignite limits, which  
14 basically just goes in parallel with this MoDOT specification.  
15 And so this is -- yeah, actually that ACM has 0.5 percent max for  
16 concrete. So what's this mean?

17 When we think about limestone, there's two sets of  
18 aggregates in concrete, limestone aggregate and this Meramec  
19 aggregate sand and gravel. The problem with limestone is that on  
20 the hardness scale here on the right-hand side is sort of between  
21 calcite and fluorite as far as the hardness. Whereas, the  
22 Meramec sand and gravel more parallels quartz in hardness. So  
23 the limestone is softer, and so what that means as far as the end  
24 user is concerned, the softer the material is, the more it  
25 absorbs, and the next slide will show you more about that.

1           So how are we going to get to this Meramec sand and  
2 gravel? There's two mining options available to us. One is  
3 going to be within the river itself, which has been done in the  
4 past. Currently is being done, which it's a strong river.  
5 Another is from along side the river where these gravel and sand  
6 deposits come outside the actual water of the river.

7           So the crushed stone limitations and the limestone  
8 I'm referring to, within that limestone are these churred things  
9 embedded with that, so it has to be quarried to extract this  
10 stuff. These churred are still present. It causes problems in  
11 the limestone. That leads to a alkalized silica reaction. It  
12 gets like a jelly like thing and causes like an alligator  
13 cracking on the concrete. These pop-outs you see all across the  
14 flat work what happens is that water penetrates the surface of  
15 the concrete, gets to that limestone and causes the limestone to  
16 retain moisture. Then when it freezes, it pops -- pops out. So  
17 the absorption of limestone is a problem.

18           So it can be anywhere from 0 to 50 percent velocity  
19 on limestone, which completes the pop-outs. It's soluble.  
20 Whereas, the Meramec sand and gravel is very hard like I referred  
21 to compared to the quartz. It can be used as a concrete  
22 aggregate. The people that work with this stuff day-to-day,  
23 whether it be the foundations of flat work, they want this  
24 Meramec sand and gravel because it's just something they can rely  
25 on while they're working with it and at the -- the end product.

1 You know, no matter whether it's limestone aggregate or Meramec  
2 aggregate in concrete, they still need the sand, which sand is  
3 part of what we're going to obtaining. Exposed aggregate, these,  
4 as they sieve -- as they run through the sieve, you might say,  
5 this torpedo gravel you see in exposed aggregate is another  
6 product that she's going to be mining out.

7 Washed stone requires as in applications like for  
8 chip and seal roads, for drain fields, in waste water treatment  
9 facilities like sand filters and in landfills, leachate below  
10 landfills. The leachate collection just below landfills.

11 So when you think about a yard of concrete, what's  
12 it made out of, 81 percent of it's made out of the sand and  
13 aggregate that Lynn's going to be mining from this area. You  
14 know that's a lot, 81 percent when you think about a yard of  
15 concrete, what it actually is. So who's going to do this?

16 So Lynn's company background is she's the oldest  
17 concrete company -- there we go. She's the oldest company in the  
18 county. She's been in business for 76 years. She currently has  
19 over 70 -- I'm sorry, 42 full-time employees operating in Union,  
20 St. Clair, Sullivan and Owensville. The purpose is obviously to  
21 continue to mine Meramec sand and gravel in the NUA, Non-Urban  
22 and Agricultural zoning district.

23 We're here tonight to obtain aggregate for  
24 commercial products as we mentioned before.

25 The history behind this. So right now she has a

1 sand and gravel plant on 30. It operates currently under Permit  
2 0640. This is going to be an extension of that permit. This is  
3 not going to be a new operating facility. It's going to be an  
4 extraction area that's going to be hauled to the permitted  
5 facility of 0640.

6 So how, where and when. Where is this going to be?  
7 I'm sorry, how is it going to be, where and when. How we're  
8 getting this is that -- so this here is we are obtaining this  
9 Conditional Use from Franklin County. Okay. You'll see in a  
10 minute here our mine plan. Our mine plan, based on the CUP will  
11 allow DNR to examine what's needed for the letter of credit for  
12 operating this facility and closing this facility. Those two  
13 funnel to Bill Zeeman [phonetic]. He is the chief for the  
14 Industrial Mining and Land Reclamation Program.

15 What's in progress is -- or what's completed,  
16 actually is the Missouri Department of Natural Resources  
17 stormwater permit. That's going to be all on the existing  
18 permit, which she has a current permit for that. There is also a  
19 current permit for the air pollution permit on that 0640 permit.  
20 Based on how it works is that once we obtain the CUP, the mine  
21 fund letter of credit, Bill Zeeman is also going to require and  
22 make sure that we've got this stuff as well as the Franklin  
23 County Floodplain Zoning permit and any permits required by the  
24 CUP before. All this occurs before any mining process can begin.  
25 That's kind of a flowchart of where we're at.

1                   While we're on this flowchart, does anybody have any  
2 questions about that? Okay. All right.

3                   So where is this going to be at? As I said before,  
4 across from the -- this is Meramec River here. Highway 30  
5 bridge. This is the golf course. As you go across that's headed  
6 east, on the left-hand side, there's a current gravel operation  
7 right now. Here is Highway 30 here on the south side of the --  
8 on the bottom side of the screen. This is Highway 47 where it  
9 takes off south. So basically the mining operation is way up  
10 here to the north. Up here the river comes up here and make --  
11 it's kind of hard to see on the screen, but it makes a big bend  
12 up here.

13                   So you may ask why did we apply for 180 acres or  
14 whatever this is. There's a section line that runs through here,  
15 and we can't tell for sure without surveying it whether or not  
16 the tip of this thing exists in both these parcels or no. So we  
17 just included both of them. That's if anybody's got a question  
18 about that, that's the reason why.

19                   The mining operation is just going to be comprised  
20 of seven acres. River Bend -- how do we get there? River Bend  
21 Road comes off of Highway 30, goes to the north, and at this  
22 point right here, this turns into Ely Road and goes northeast.  
23 From there, it goes into an easement road to the property. So at  
24 that point there -- at that point there, enters the south  
25 property line of Mr. Jeffrey. There will be a haul road down

1 from here down to the actual pit itself.

2 Does anybody have any questions about the proximity  
3 of anything, how that -- where that's at or anything? Do you  
4 have any questions about that? Yeah.

5 COMMISSIONER CUNIO: The mining area is  
6 not in the river?

7 MR. LUEKEN: Right.

8 COMMISSIONER CUNIO: That's in the  
9 floodplain out at the bottom?

10 MR. LUEKEN: Correct. I'll get that -- to  
11 it in a minute, Ray. I'll zoom in on the slide here in just a  
12 minute about that.

13 Okay. So where or when? The operation details will  
14 be Monday through Friday, 7:30 to 3:30. This exactly parallels  
15 the operation of our current plant on Highway 30. There will be  
16 about three new employees. There'll be three trucks haul from  
17 the site. No more than three trucks. You have two or three  
18 trucks. We kept it down to between two or three trucks hauling  
19 from the site. There will be no fuel storage on the site. So  
20 the -- basically how the operations will go is the employees will  
21 show up at the gravel plant, the facility on 30. They will get  
22 in their vehicles, whatever they've got, the trucks and drive to  
23 the site. So they'll take all their fuel and everything with  
24 them to the site that day, each day. I'll tell you in a minute  
25 why there is no overburden on this. I'll show you slide on that.

1 There's about a 10- to 12-foot mound of aggregate there that  
2 we'll talk about in a minute.

3 And ultimately there's going to be a 10- to 12-foot  
4 depression in the water level, and I'll show you a cross section  
5 on that in a minute. Once the project is completed, there will  
6 be a one-acre pond at the bottom of that. Mr. Jeffrey would like  
7 an area for his cattle to water when we get done. So we think we  
8 can accommodate that. Yeah, I just mentioned the 200-foot buffer  
9 from the existing bank to the pond, and I'll show you that in a  
10 minute.

11 Operational details. This is going to be a  
12 relatively, as you can tell, small operation. It's estimated  
13 with only five years of rock -- rock and sand -- or gravel and  
14 sand there. So it's estimated to take five years to complete  
15 this project. As I mentioned before, the CUP is for 180 acres.  
16 That's the total property area, but as you can see before, it's  
17 only comprised of the seven acres. The surface the of the pond  
18 is seven acres.

19 So, Ray, just kind of it moves through -- this is a  
20 blown-up area here. So this is Mr. Jeffrey's south property line  
21 right here. This is the road leading into it. Mr. Jeffrey lives  
22 right here in this house right here. The haul road going into it  
23 is basically down through here. And what's going on here is  
24 there is a high bank here on the south bank. There's a very high  
25 bank here on the north bank. And what's unique about this is

1 that what's happening is that as this water is coming downriver,  
2 since this is downriver this way, as it's coming downriver, it  
3 gets choked off. The head increases behind this, the velocity  
4 increases, and it tubes all this or dumps all this sand and  
5 gravel. It just so happens here it's a large deposit of sand and  
6 gravel. So this has been piling up in Mr. Jeffrey's farm, and  
7 actually what happened was that he knew of the demand for it. He  
8 actually approached Lynn about, saying, hey, would you be  
9 interested this product.

10 And so if I can go forward here one time. Yeah, so  
11 what happened is that down here at the bottom, you can imagine,  
12 that there is this mound of rock and sand. And, Ray, to answer  
13 your question, you can see the river here, and then we are  
14 200 feet away from the bank of the river. It is contained within  
15 the floodway. Here is the floodway line. Here is the floodplain  
16 line. So the reason why we're not worried about any impacts to  
17 the floodplain or floodway is because this material is mounded  
18 up. And so you can image the average grade out there would be  
19 somewhere down here, and this material is mounded up here in  
20 about a 10- to 12-foot mound. And so the first plan of operation  
21 is going to be -- and there is -- wouldn't be an overburden.  
22 There is no overburden on this. It's just sand and gravel washed  
23 out there on top of this area.

24 So the first operation is going to be to knock it  
25 off, you know, to get the top of it and get it down level.

1           The second operation is going be going in there and  
2 digging out this area. They have -- so let me back up a little  
3 bit. So what happened was that when Mr. Jeffrey contacted Lynn,  
4 she went down there and drilled it or dig it. So they went down  
5 there and dug it, and when they dug it, this is what they found.  
6 You know, they found it, you know, 10 to 12 foot down to a normal  
7 area, you might say. Once they got down to this more level area,  
8 they went another 10 to 12 feet down for more material, and it  
9 got to the water level there.

10           Well, at that point there, they reached the water  
11 level. So what they'll do is they'll dig it down just a little  
12 bit deeper to get a cattle pond in there. And then as they dig  
13 their way out, there'll be a -- you know, like the -- the  
14 normal -- the normal part of the pond will be the 3 to 1 slope,  
15 but the ramp that the trucks are going to use to extract gravel  
16 will be a 5 to 1 slope so that the cattle won't have a problem  
17 getting down to that area, you might say.

18           So I just wanted to explain that to you.

19           Does anybody have any questions? I may be going  
20 kind of fast. I don't know. Some of you have seen this before,  
21 but do guys have any questions about anything of where I'm at  
22 right now? Yes.

23           MS. EAGAN: It's more back one more slide.  
24 When you say three trucks haul from this site, is that  
25 continuously throughout the day or three trucks per day?

1 MR. LUEKEN: Three trucks continuously  
2 throughout the day. So we're thinking they're going to have to  
3 make a trip -- like each truck will make a trip about two trips  
4 per hour, kind of two -- I mean, depending on how everything  
5 goes. Would that be fair to say, two trips per hour?

6 MS. LYNN HAYDEN: I'd say one and a half  
7 to two.

8 MR. LUEKEN: So one and a half to two  
9 trips per hour.

10 MS. EAGAN: So when you say two trips, is  
11 that there and back one, there and back two?

12 MR. LUEKEN: Yeah. Yeah. So one truck I  
13 guess by way of example, if you got one truck at least two trips  
14 per hour, he's 16 trips in a day, in an eight-hour day. Although  
15 most likely they won't be working an eight-hour day because by  
16 the time he reports and all that, it won't be maybe 14 trips per  
17 day.

18 MS. EAGAN: Okay.

19 MR. LUEKEN: So if you wanted to take and  
20 divide total them, you could do 14 times 3, and that's 42. Is  
21 that right?

22 COMMISSIONER SCHULTEHENRICH: That's  
23 correct.

24 MS. EAGAN: Uh-huh.

25 MR. LUEKEN: So 42 trips per day generally

1 speaking.

2 COMMISSIONER CUNIO: Cameron, if you  
3 could, go back to the other map.

4 MR. LUEKEN: The map is --

5 COMMISSIONER CUNIO: Yeah, that one.

6 MR. LUEKEN: Okay.

7 COMMISSIONER CUNIO: You said that the way  
8 the -- it narrows down there, the high banks, and that causes an  
9 increase in velocity, which resulted in the current --

10 MR. LUEKEN: Correct.

11 COMMISSIONER CUNIO: -- buildup of gravel  
12 and aggregate there?

13 MR. LUEKEN: Correct.

14 COMMISSIONER CUNIO: Okay. After you mine  
15 this out and you get another flood, that will have a tendency to  
16 spill back in, right?

17 MR. LUEKEN: Sure. Right.

18 COMMISSIONER CUNIO: Now what's the -- is  
19 there any concern about, even though you have a 200-foot buffer,  
20 is there any concern about with that the hole being there,  
21 knowing that the velocity is increasing and going across that, to  
22 continue to erode down since you're going left to right,  
23 downriver across that field?

24 MR. LUEKEN: Yeah, I mean, Ray, I guess to  
25 answer your question, there's a -- there's a pretty good tree

1 buffer right here behind it, you know. Maybe Mr. Jeffrey, you  
2 know, he can speak to that a little bit. I wouldn't be that  
3 concerned about it because it's just -- it's a divot, you might  
4 say. It's not going to make a channel out through here, you  
5 know. And so...

6 COMMISSIONER CUNIO: Well -- and he owns  
7 the ground below it anyway, right?

8 MR. LUEKEN: Yeah, he owns to the river.

9 COMMISSIONER CUNIO: Yeah.

10 MR. LUEKEN: So he owns all this ground.

11 COMMISSIONER CUNIO: So he owns all that  
12 bottom ground, yeah.

13 MR. LUEKEN: Yeah, he owns all this.

14 COMMISSIONER CUNIO: Okay.

15 MR. LUEKEN: Okay. So we are back here to  
16 the -- this is where I was at before. So looking at the  
17 additional things that may come up or whatever, we looked at the  
18 wetlands map, and it because it is perched -- as I mentioned, a  
19 perched gravel bar, there's no wetlands where we are going to be  
20 mining this material from.

21 So I guess the last thing I want to talk to you  
22 about is the stream buffer width. And so, you know, where -- how  
23 -- what's a stream buffer, what's it comprised of? There was a  
24 report in 2013 that identified and what should be the stream  
25 buffer widths. Most states require a hundred foot or less within

1 that same report. So the -- no state sees a common maximum of  
2 200 feet. A 200-foot is the common maximum for the states that  
3 were more conservative. The Franklin County Land Use Regulations  
4 per that article there only requires a hundred foot buffer. So I  
5 guess just as a reminder up here on the northwest side, would  
6 have a 200-foot buffer, which is twice the Franklin County  
7 regulated amount. And so when we look at other gravel plants in  
8 the area, this is Valley Park. So this on the north bank here,  
9 they've only got about a hundred feet right here. Here's the  
10 river right here.

11 If we look at this is Pacific. This is the lagoon  
12 in Pacific on the south side. Here's Denton Road over here.  
13 Over here there's about a hundred foot buffer there on that one.  
14 This is further in north. Here's downtown Pacific or the one --  
15 or laying across the tracks. That point is about a hundred foot  
16 buffer right here. These are old gravel plants along the  
17 Meramec. The nearest residences, I wanted to mention that also.

18 Mr. Jeffrey's property -- home rather is right here,  
19 but however, there is another home outside of that that's 3300  
20 feet away. The one across the river is 1050 feet away, and  
21 there's some club houses that would be the closest on the north  
22 side of the river 800 feet away. So those are the nearest  
23 residences, and like I said, there is only -- the machinery  
24 that's going to be there is basically a trackhoe and dump trucks.  
25 There is not going to be, you know, like any type of facility

1 there to work on anything. It's going to be basically a trackhoe  
2 setting there loading trucks.

3 So in conclusion, we have identified the need. It's  
4 unique and qualified aggregate source. So like I said, a lot of  
5 vendors want that Meramec aggregate and sand.

6 Who's doing it? The oldest concrete company in  
7 Franklin County. They've been in business for 76 years, and they  
8 currently have an operation just like this.

9 How are we going to do it? It's an addition to a  
10 permitted facility. Mr. Jeffrey actually requested the material  
11 be removed from his farm. Buffer width is adequate at 200 feet.  
12 Yes, two times the minimal required once completed.

13 So does anybody have any questions?

14 MS. EAGAN: So I talked with Chris about  
15 it a while ago.

16 MR. LUEKEN: Right.

17 MS. EAGAN: He said in the future they may  
18 move their operations to start selling out of this location. So  
19 when you say an estimated five years for completion, but the  
20 Chris is saying they might move their operations out of there to  
21 sell, which -- I mean, which way are we going with this?

22 MR. LUEKEN: I don't know.

23 UNIDENTIFIED SPEAKER: What are you  
24 talking about?

25 MS. HAYDEN: No.

1 MR. LUEKEN: No, we're not -- not -- no.

2 There might be some confusion there on Chris' part, but --

3 MS. EAGAN: Okay.

4 MR. LUEKEN: -- there's not going to be  
5 any selling material out of this facility.

6 MS. EAGAN: Okay.

7 CHAIRMAN EVANS: I do have one question  
8 too, Cameron.

9 Since we've seen you before on the CUP and the last  
10 is what we granted over there, is that going to be in operation  
11 simultaneously with this one?

12 MR. LUEKEN: No. No. That permit  
13 basically even though it exists, that whole project died because  
14 of the timing and money, you might say. Based on the permit  
15 conditions, the timing, the sellers, the requirements, that whole  
16 thing died. So that's not being pursued.

17 CHAIRMAN EVANS: Okay.

18 MR. LUEKEN: That's correct?

19 MS. HAYDEN: Correct.

20 COMMISSIONER SCHULTEHENRICH: From the map  
21 up there, is this right across from River Round area?

22 MR. LUEKEN: River Round, what's that mean  
23 to you? I don't know what that means.

24 COMMISSIONER SCHULTEHENRICH: The  
25 conservation area, is that on the other side of this? Is this

1 River Round area. It appears as though --

2 COMMISSIONER McLAREN: It's not far from  
3 where that road would be to cut off and go to River Round.

4 UNIDENTIFIED SPEAKER: River Round is  
5 several miles downstream.

6 MR. JEFFREY: Yeah, it's not real far, but  
7 it's not on that ground.

8 COMMISSIONER SCHULTEHENRICH: It's not on  
9 your land, no.

10 MR. JEFFREY: It's across the river from  
11 my ground.

12 COMMISSIONER SCHULTEHENRICH: Go back to  
13 the map.

14 MR. LUEKEN: Yeah. I'm getting to that.  
15 This is the biggest map I got, Jay.

16 COMMISSIONER SCHULTEHENRICH: You got  
17 another one that's clearer.

18 MR. LUEKEN: Do I?

19 MR. JEFFREY: Bring the other one.

20 MS. ZIELKE: It's more zoomed in one.

21 COMMISSIONER TOBBEN: The zoomed in one.

22 COMMISSIONER SCHULTEHENRICH: Yep.

23 MR. LUEKEN: Okay. Let me go forward  
24 then. This is the zoomed out one.

25 COMMISSIONER SCHULTEHENRICH: Yeah.

1 MR. LUEKEN: Okay. You want the zoomed in  
2 one?

3 COMMISSIONER SCHULTEHENRICH: No.

4 MR. LUEKEN: Okay. That's the zoomed in  
5 one right here.

6 COMMISSIONER TOBBEN: That's it.

7 MR. LUEKEN: Okay.

8 COMMISSIONER SCHULTEHENRICH: Right to tip  
9 of that, that's not River Round right there?

10 COMMISSIONER McLAREN: No. No.

11 COMMISSIONER SCHULTEHENRICH: That's not?

12 UNIDENTIFIED SPEAKER: No, this is above  
13 the River Round. They're going the other way.

14 COMMISSIONER SCHULTEHENRICH: I'm --  
15 [crosstalk]

16 COMMISSIONER SCHULTEHENRICH: Brunson  
17 Bridge is below this one or is it?

18 COMMISSIONER McLAREN: It's below.  
19 Probably two or three river mile.s

20 COMMISSIONER BOLAND: What would it  
21 matter? I'm curious what your thoughts are.

22 COMMISSIONER SCHULTEHENRICH: I'm just  
23 curious as to whether or not that will have any type of an impact  
24 upon people bringing their boats down the ramp to get into the  
25 river right there because that's as public access area. Okay.

1 On the Meramec River.

2 COMMISSIONER BOLAND: Oh, okay. That's  
3 why I was trying to figure out where you were going.

4 COMMISSIONER SCHULTEHENRICH: That's why.  
5 That would be my question if it has any type of a potential  
6 bearing upon that. That's my question, but if it has no -- if  
7 we're not talking about the River Round area, it almost looks  
8 like it is from the -- from where River Round is, okay, then I  
9 don't have a question on River Round.

10 MR. LUEKEN: Understand.

11 COMMISSIONER SCHULTEHENRICH: Okay.

12 COMMISSIONER REINHOLD: This is on a  
13 private farm. I don't think it has anything to do with the  
14 river.

15 COMMISSIONER SCHULTEHENRICH: Well, this  
16 one -- this land right here, it doesn't have anything to do with  
17 the river, per se, unless it has potential impact upon the river  
18 directionally being changed because of it being excavated out.  
19 Okay. And it doesn't appear as though that it is from what I  
20 see. Okay. I'm just checking in regards to the River Round area  
21 with having the utilization because it's -- we're close by there.  
22 We know how many people utilize that River Round. Okay. And  
23 it's quite a few that utilize it, okay, in that area. But I  
24 would think that ought to be at least still maintained for that  
25 purpose.

1                   CHAIRMAN EVANS: Cameron, on Ely Road then,  
2 the private road, does anyone else use that road besides your  
3 client?

4                   MR. LUEKEN: Let me get back there to  
5 answer that question, Bill. Yeah, like I said, I right at this  
6 point right here, there is a large farm that's right here that  
7 borders Ely Road. Okay. And then right at the County  
8 maintenance, the road stops, and right here the road forks into  
9 it this way, and the fork then goes into the farm, and maybe Mr.  
10 Jeffrey can identify this. He lives out there. There is one  
11 other person right here that accesses this -- this road here,  
12 this orange area, that I know of, Bill, past the Y.

13                  CHAIRMAN EVANS: I guess my question is  
14 it's private. Who does own it?

15                  MR. LUEKEN: Who owns the road?

16                  CHAIRMAN EVANS: Yeah.

17                  MR. LUEKEN: Who owns the road is this  
18 property over here to the west. This -- I can't think of the  
19 name, and I think they're located in -- it's not even -- I can go  
20 back to my folder. Singapore [phonetic].

21                  CHAIRMAN EVANS: I'm just interested if  
22 someone else has access to it if they've been contacted or know  
23 that the road will be used.

24                  MR. LUEKEN: I believe that we have talked  
25 to the caretaker, but we have not -- I have not talked to the

1 owner.

2 AUDIENCE MEMBERS: We use that road.

3 MR. LUEKEN: So these people here that use  
4 that road also that can come up and tell you more about it than  
5 -- if you've questions about it.

6 CHAIRMAN EVANS: Okay.

7 COMMISSIONER WILLIAMS: I got a question  
8 on the road. Roads are my bag.

9 So it's by an easement for access?

10 MR. LUEKEN: So Mr. Jeffrey owns -- I'm  
11 not -- I've kind of gotten 183 acres here or something like that,  
12 Ron. And his property does not border a county road, and the  
13 people from Singapore -- I forgot the name -- own the ground that  
14 that easement runs across. Mr. Jeffrey has an easement across  
15 their property to the county road.

16 COMMISSIONER WILLIAMS: Okay. More  
17 specific on the easement. Is this ingress and egress? There's  
18 no restrictions on it; do you know?

19 MR. LUEKEN: That's correct. We have  
20 looked at that easement. Lynn's attorney, Mr. Kuenzel, has  
21 looked at that easement, and we believe it's absolutely  
22 sufficient for that mining operations.

23 COMMISSIONER WILLIAMS: Okay, thank you.

24 MR. LUEKEN: Yep.

25 COMMISSIONER McLAREN: Can I stay on the

1 road too?

2 MR. LUEKEN: Sure.

3 COMMISSIONER McLAREN: I just want to know  
4 how far it is once you get -- once you get to the easement, how  
5 far is it to the rest of the way to the plant? How far is it  
6 from the mine to plant is what I really want to know.

7 MR. LUEKEN: Okay, Bill. So it was like  
8 300 feet from here to here. I think it's like a little quarter  
9 round. So we're about a mile right here. And I think if you  
10 look at this, I think it's three miles, four and a half miles.  
11 Is that total distance?

12 MS. HAVEN: Total.

13 MR. LUEKEN: Four and a half miles total  
14 distance from the plant to the pit.

15 MS. HAVEN: Correct.

16 COMMISSIONER BOLAND: Four and a half  
17 miles from the plant --

18 MR. LUEKEN: I'm sorry.

19 COMMISSIONER BOLAND: -- or from --

20 MR. LUEKEN: I'm sorry. Four and a half  
21 miles from the plant all the way up to the pit.

22 COMMISSIONER BOLAND: Oh, okay.

23 MR. LUEKEN: Right?

24 MS. HAVEN: Yes.

25 CHAIRMAN EVANS: Any other questions for

1 Cameron?

2 COMMISSIONER McLAREN: I want to ask  
3 another one.

4 Generally, you drilled that so the gravel that there  
5 is not a -- there's not a silt line anywhere? It's gravel all  
6 the way down?

7 MR. LUEKEN: Correct.

8 COMMISSIONER McLAREN: All right. And  
9 usually once you hit the water level, there's a 114 foot of  
10 gravel below that. You're not going to go after that?

11 MS. EAGAN: Can Lynn sign in and be sworn  
12 in.

13 MR. LUEKEN: I think five feet below water  
14 line we'll be retrieving, right? So to answer your question,  
15 Bill, even though there's more aggregate there, most likely below  
16 the water line, just because of the situation they have only  
17 chosen to go five feet below the water line.

18 CHAIRMAN EVANS: Any other questions?

19 COMMISSIONER WILLIAMS: Yeah. When you go  
20 for your permits --

21 MR. LUEKEN: Yes.

22 COMMISSIONER WILLIAMS: -- from the State,  
23 are you going to limited to that seven acres that you want to  
24 mine?

25 MR. LUEKEN: So what happens is we have to

1 file this mine plan with Bill Zeeman, and so yeah, our -- our  
2 application, I guess, to the Start will include, you know,  
3 obviously this CUP, which as I mentioned seven acres is also  
4 going to show that mine plan. Is that your concern, Ron? What's  
5 your concern?

6 COMMISSIONER WILLIAMS: Well, because it's  
7 a whole, obviously, the CUP goes with the property.

8 MR. LUEKEN: Correct.

9 COMMISSIONER WILLIAMS: So it would be  
10 nice to distinguish that there's only really seven acres that's  
11 going to be associated with the mining operation.

12 MS. EAGAN: Ron, what we've done in the  
13 past is we've tied it to the plan that he submits and say it  
14 shall be limited to the seven acres as represented or testified  
15 to per -- and then we call it Exhibit A or area plan or whatever  
16 we call it.

17 COMMISSIONER WILLIAMS: Okay.

18 CHAIRMAN EVANS: So we can be specific  
19 with the area as well as the timeline also to what we limit the  
20 time of the CUP. Any other questions? [None]

21 Thank you.

22 MR. LUEKEN: Thank you.

23 CHAIRMAN EVANS: Is there anyone else  
24 present who wishes to speak in support of the CUP? Step forward.  
25 State your name and address and sign in, please.

1 MR. FRED JEFFREY: Fred Jeffrey, 1200 Ely  
2 Road.

3 [Thereupon, the witness was sworn.]

4 Okay. I approached Haven Material a little while  
5 ago when I heard that they were looking for some gravel. I  
6 happened to have some that wasn't useful to me, that I thought  
7 maybe I could make it a little more useful and make -- help them  
8 out too. There is a piece. Cameron, can you put up that map  
9 with all your funny stuff. Floodplain.

10 MR. LUEKEN: Just a minute, we'll switch  
11 screens here. Get to it here. Okay.

12 MR. JEFFREY: That one will do. That area  
13 down there is all gravel. It's flooded twice since I have been  
14 there. One of them was just this December. There is a good  
15 elevation change that was pointed out along that edge of that I  
16 propose to keep. I told them that I wanted to keep -- there's  
17 two big sycamores there I wanted to keep those trees over to  
18 where it drops off into the field to left. So those trees would  
19 stay and that would keep a pretty substantial, probably 200 feet  
20 or more, buffer, which I think addressed one of the questions  
21 that was asked.

22 And then we just dig in that -- in that area which  
23 is all gravel. There is nothing on top of it. The floods have  
24 kept it clean, the two floods. Then it drops off at the east end  
25 of that down to the same level as the fields there.

1           Then the river, when it normally flows, and even  
2 when it gets way up, goes all the way around and comes back down  
3 and misses that gravel barge almost completely. As I said, in  
4 the two -- 30 years we've been there, it's been under twice, one  
5 of them being this December. And the --

6           AUDIENCE MEMBERS: What gravel barge is  
7 that?

8           MR. JEFFREY: The gravel barge that's  
9 encircled inside this thing. So the idea I have is move the  
10 gravel but not change the flow of the river. I didn't want to  
11 change it, and for some reason, I wanted to keep those two  
12 sycamores, which are about that big around. We had some  
13 extensive discussions about -- I was concerned about noise of  
14 equipment and safety of the equipment and the condition and so  
15 forth. And they assured me that it will be properly maintained,  
16 and those drivers and operators are properly trained in operating  
17 in this environment.

18           We have a neighbor. They are -- they're here that  
19 are just up the road from us just about where that arrow --  
20 easement road arrow is right there, is where their house is.  
21 They just moved in, and I've talked to them. And they have a  
22 couple of kids, young kids, and that information has been passed  
23 on to Haven Material that they have family, and they want to keep  
24 them safe and so forth. So I've talked to them. They probably  
25 want to say something here in a few minutes, and for us, our part

1 of my concerns was noise because they are going to be driving  
2 right by my house during the middle of the day during the week.  
3 And so I wanted to make sure everything was muffled and  
4 properly road worthy for the operations. They have assured me  
5 and I will make sure that that happens because we are there.

6 Does anybody have any other questions?

7 CHAIRMAN EVANS: Any other questions for  
8 Mr. Jeffrey?

9 MR. JEFFREY: Yes, sir.

10 AUDIENCE MEMBER: Do you know --

11 CHAIRMAN EVANS: No, all the questions are  
12 from the Commissioners. You can speak when you're up here, and  
13 then only to the Commission.

14 AUDIENCE MEMBER: Okay.

15 CHAIRMAN EVANS: Any other questions from  
16 the Commissioners? [None]

17 Thank you.

18 MR. JEFFREY: Thank you.

19 CHAIRMAN EVANS: Is there anyone else  
20 present who wishes to speak in support of this CUP?

21 State your name and address and sign in, please.

22 MS. HAVEN: Lynn Haven, 3810 Iron Hill,  
23 Union, Missouri.

24 [Thereupon, the witness was sworn.]

25 I know you all are probably getting tired of us

1 being in front of you all the time. We appreciate your time.  
2 The situation last year that they were here with the Miller  
3 property, like Cameron said, with everything and all the  
4 conditions that were put upon it, we were unable to follow  
5 through with this permit. So that has completely been voided,  
6 and we are going on to different things.

7 We appreciate your consideration on this permit. We  
8 have a lot of contractors that want the Meramec sand and gravel,  
9 and I believe I brought petitions to you the last time when we  
10 were here. This has become an extreme need. I have another list  
11 of contractors I could give to you, but it has become a great  
12 need. Meramec sand, especially Meramec sand, is -- there is  
13 nothing around this area that meets the quality that it does or  
14 gives the concrete the quality that comes from it.

15 So we appreciate your consideration, and thank you  
16 for your time.

17 CHAIRMAN EVANS: Any questions of Ms.  
18 Haven? [None]

19 If not, is there anyone else wishing to speak in  
20 support of this CUP? [None]

21 If not, is there anyone present -- sorry.

22 MR. CARL ZERNA: Is it --

23 CHAIRMAN EVANS: In support.

24 MR. ZERNA: I've already signed in. My  
25 ground is --

1 MS. REPORTER: Just a moment.

2 [Thereupon, the witness was sworn.]

3 State your name for me, please.

4 MR. ZERNA: Carl Zerna, 2270 Brookview.

5 My property is 2694. It's across the river from Mr. Jeffrey's  
6 place. Okay.

7 In support of that, I don't know just exactly why  
8 the Meramec River's sand and gravel is so superior than what they  
9 can get off of the Mississippi and the Missouri, but I hear -- I  
10 think it's even a lot better for mortar too -- isn't it? -- for  
11 mortar for bricklaying and that too. Maybe somebody else can  
12 explain what elements either in it or not in it that there's such  
13 a difference, you know. But my concern, you know, why I got the  
14 letter that I'm 600 feet from this place here.

15 If it stays in that area, I got no problem with it  
16 at all. I don't see why you can't even go a whole lot deeper  
17 because to me that's plenty safe area from the river, and that's  
18 flood land anyhow. When there is a sever flood, it will go over.

19 My ground is about where the N is in mining, and  
20 then yeah, right -- a little bit not to the left. Now right up  
21 that line. Yeah, right there. That's my one line, and then I --  
22 going by the looks of the map, down there at the end of this  
23 island where the yellow line crosses the river, now go down all  
24 the way right in that area is supposed to be my back corner  
25 there.

1 My other corner on the other side, I don't really  
2 know where it's at, and that's why I'm here. I thought there's a  
3 possibility that I got ground on the other side, but I don't know  
4 that for a fact. And if it's Jeffrey has it all the way to the  
5 river, then I don't. So that's why I'm here, and I hope he has a  
6 lot better luck than what he did over on the Brundage side of the  
7 river.

8 It was almost a disgrace of what he could not do.  
9 He could have opened that river up very, very nicely if he didn't  
10 have such rules and regulations. I'm sure that's probably not  
11 what, you know, your control, but from what I understand, that if  
12 they take the gravel down only to water level. They couldn't get  
13 within, I think it said, 10 foot of a tree. There's little trees  
14 all over them islands. That island right there, that big white  
15 spot beyond the river, when I bought the place, that thing didn't  
16 go anywhere near that far, and it was low enough that actually  
17 somebody could take a riding lawnmower, raise the blade up and  
18 cut that almost most of that island. Now it's like a mountain  
19 out there.

20 So I think from -- to be able to take sand and  
21 gravel out of the river, that's good for the cause, not only for  
22 the mining industry, but even for the river.

23 That's what I have to say.

24 CHAIRMAN EVANS: That you, Mr. Zerna.

25 MR. ZERNA: Thank you.

1 CHAIRMAN EVANS: Is there anyone else  
2 present wishing to speak in support of the CUP? [None]

3 If not, is there anyone present wishing to speak in  
4 opposition? Step forward, please.

5 State your name and address and sign in, please.

6 MR. WILL GRIGGS: Will Griggs, 1210 Ely  
7 Road, St. Clair, Missouri.

8 [Thereupon, the witness was sworn.]

9 I just wanted to make a statement. We had just  
10 moved there a month ago. We didn't realize any of this was going  
11 to go on. Our main concern is our children like to play outside.  
12 We moved there for the peacefulness and not trucks, big dump  
13 trucks, moving in and out of the road. And we just -- our main  
14 concern was the children. They like to play outside and like to  
15 play on that road, ride their bikes. And our front door is  
16 literally 40 feet from that road.

17 So that's main concern there, is our safety and  
18 wellbeing.

19 CHAIRMAN EVANS: All right.

20 MR. GRIGGS: So that's it. That's it.

21 CHAIRMAN EVANS: All right. Thank you,  
22 Mr. Griggs.

23 Is there anybody else here wishing to speak in  
24 opposition? [None]

25 If not, is there any discussion?

1                   COMMISSIONER McLAREN: I guess I got  
2 another question. Some of it's just noisy. This is probably for  
3 Cameron.

4                   In a quarry operation, they've got to keep track of  
5 how much water they spray on the road, and they're required to  
6 spray so much water or something like that. It's the same thing  
7 since it's still considered a mine, is it that same thing in this  
8 gravel mine?

9                   MR. LUEKEN: We'll do the best to answer  
10 your question. Okay. To answer your question, I don't know for  
11 sure without asking Mr. Zeeman, but I guess if you think about  
12 this operation. Like in a limestone operation, you're blasting  
13 off a bluff and you got all that dust and stuff that rolls out.  
14 Right.

15                   In this operation, basically the material you're  
16 digging out is it pretty dry at the top layer. As we go down, it  
17 gets wet. As we go get down to the bottom, it really gets wet  
18 and you're actually going to dry out. By the very nature of  
19 itself, because it's sand and rock, there wouldn't be a lot of  
20 dust associated with the actual operation.

21                   However, the operation coming out, the haul road  
22 coming out, because it's outside the mine limits, I don't know,  
23 you know, if there is any requirement for that haul road, you  
24 might say, Bill.

25                   COMMISSIONER McLAREN: Okay.

1 CHAIRMAN EVANS: Any other questions,  
2 discussion?

3 COMMISSIONER SCHULTEHENRICH: Mr.  
4 Chairman, I'm just curious as to with the concern about the  
5 children on there. Is there potentially a consideration of  
6 limiting the speed of the trucks on that road in front of the  
7 property there to certain -- is that a consideration  
8 potentially.?

9 CHAIRMAN EVANS: Mark, maybe you can  
10 address it, but it's a private road. So we would probably  
11 wouldn't have any -- probably couldn't place any conditions on  
12 the road.

13 COUNTY ATTORNEY VINCENT: We can't control  
14 a private road.

15 COMMISSIONER SCHULTEHENRICH: Pardon?

16 COUNTY ATTORNEY VINCENT: You cannot  
17 control a private road.

18 MR. JEFFREY: May I address that?

19 CHAIRMAN EVANS: No, we're done taking  
20 questions. Does anyone have a question for --

21 COMMISSIONER SCHULTEHENRICH: Are we  
22 allowing -- are we allowing and recognizing the use of the  
23 private road?

24 CHAIRMAN EVANS: We have to recognize what  
25 the use is, whether that is there, but we can't put any

1 conditions on it because it's private.

2 Mr. Jeffrey, if you'd like, we can ask him a  
3 question about -- about that if he had any more insight into  
4 that.

5 COMMISSIONER SCHULTEHENRICH: I would like  
6 too ask him a question. So if you'd ask him to come on back up,  
7 I'd appreciate it.

8 CHAIRMAN EVANS: All right. Mr. Jeffrey?

9 MR. JEFFREY: The nature of the road does  
10 not lend itself to any high speed travel. The most that I can  
11 imagine going up the road from the trucks and myself that are on  
12 it for the farm operation is at most 15-miles an hour.  
13 Generally, you got to go slower than that because of the bends  
14 that are in the road.

15 CHAIRMAN EVANS: Okay.

16 COMMISSIONER SCHULTEHENRICH: Is there a  
17 bend in this area of that houses?

18 MR. JEFFREY: Yes.

19 COMMISSIONER SCHULTEHENRICH: Is that what  
20 you're telling us?

21 MR. JEFFREY: Yes. My house comes up, it  
22 curves around and curves back at their house going uphill.

23 COMMISSIONER SCHULTEHENRICH: Is that a  
24 gravel road is that an all dirt road?

25 MR. JEFFREY: Dirt and gravel.

1 COMMISSIONER SCHULTEHENRICH: Combined?

2 MR. JEFFREY: Yeah. It's had -- I have  
3 put crushed rock on it before, and it was had gotten real poor so  
4 it didn't have a bottom on it. So I had to put some crushed rock  
5 on it, build it up, so we could travel on it without getting  
6 bogged down.

7 COMMISSIONER SCHULTEHENRICH: Okay. That  
8 answers my question, Mr. Chairman.

9 COUNTY ATTORNEY VINCENT: I just to make  
10 sure you all are clear on that. Ely Road is a county road. No  
11 where County maintenance ends, that's as far as we can go. Only  
12 thing that you have to do, we don't care how he gets up. If you  
13 guys want to build another road off of where the county road  
14 ends, you can, but that's his deal. That's his requirement, not  
15 ours.

16 CHAIRMAN EVANS: Right.

17 COUNTY ATTORNEY VINCENT: We're not  
18 condoning any use. That's his problem or Lynn's problem how to  
19 get there.

20 COMMISSIONER SCHULTEHENRICH: But I think  
21 the question has already been asked on the easement, and there is  
22 no restrictions from what was testified, that there is no  
23 restriction on the utilization of the trucks on that road then.  
24 Okay. So that the way I understood it to be.

25 CHAIRMAN EVANS: Well, let's be correct on

1 that.

2 COMMISSIONER WILLIAMS: That's what they  
3 said.

4 CHAIRMAN EVANS: Any other questions,  
5 discussion?

6 I think we already addressed the number of trucks  
7 and proposed hours of operation, and again none from the previous  
8 presentations. I think we are aware of the process with the  
9 State and their requirements. I think also previously that we  
10 did, some of us, go out and take a look at the property, which I  
11 think it would behoove us to do.

12 If there is no other discussion, the Chair would  
13 entertain a motion.

14 COMMISSIONER REINHOLD: I make motion to  
15 move it to Old Business.

16 CHAIRMAN EVANS: To move it to Old  
17 Business. would require a unanimous vote.

18 COMMISSIONER REINHOLD: Okay.

19 CHAIRMAN EVANS: And then we would deal  
20 with it again tonight. So we have a motion to move it to Old  
21 Business

22 COMMISSIONER BOLAND: Second that.

23 CHAIRMAN EVANS: We have a motion and a  
24 second to move this File 160016 to Old Business. All in favor  
25 significance by saying aye.

1 COMMISSIONER REINHOLD: Aye.

2 COMMISSIONER VOSS: Aye.

3 COMMISSIONER McLAREN: Aye.

4 COMMISSIONER CUNIO: Aye.

5 COMMISSIONER WILLIAMS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER TOBBEN: Aye.

8 COMMISSIONER SCHULTEHENRICH: Aye.

9 COMMISSIONER HAIRE: Nay.

10 CHAIRMAN EVANS: Nay.

11 MS. REPORTER: Okay. I didn't see who all

12 said nay.

13 CHAIRMAN EVANS: It was close enough, I

14 think we'll do a roll-call vote. Well, it really doesn't make

15 any difference.

16 [Off-the-record comments.]

17 So with that, we have the option of sending this to

18 the Review Committee.

19 COMMISSIONER SCHULTEHENRICH: I'll make

20 that motion now, Mr. Chairman, that we do send it to the Review

21 Committee for them to view and come back with their

22 recommendation on the Conditional Use Permit.

23 COMMISSIONER HAIRE: I'll second it.

24 CHAIRMAN EVANS: Before we second, the

25 file is closed unless you include in that motion that we would

1 like to leave it open for some period of time.

2 COMMISSIONER SCHULTEHENRICH: I would  
3 recommend that we would leave this file open for ten days from  
4 the date of this hearing.

5 CHAIRMAN EVANS: Okay. We have a motion.

6 COMMISSIONER HAIRE: I will second it.

7 CHAIRMAN EVANS: Thank you. We have a  
8 motion and a second to send this File 160014 to Review Committee.  
9 The file will remain open for ten days from the date of this  
10 meeting. All in favor signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER CUNIO: Aye.

15 COMMISSIONER WILLIAMS: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 CHAIRMAN EVANS: Opposed?

21 COMMISSIONER BOLAND: Aye.

22 CHAIRMAN EVANS: Motion is carried. So  
23 that means we'll take additional information for the next ten  
24 days, and again, Cameron, I would assume that you'd make yourself  
25 available if someone were to go out and look at the property,

1 that this wouldn't be an issue?

2 MR. LUEKEN: Correct.

3 CHAIRMAN EVANS: Thank you.

4 Moving on to File 160022, Planning and Zoning  
5 Department. No public comment accepted.

6 Scottie, will you please given us the details.

7 MS. EAGAN: Okay. First what's going to  
8 be up is going to be talking about Article 7, and then the  
9 definitions related to that. I think I'll go ahead and start  
10 with the definitions, and then work into the different zoning  
11 districts and what we're proposing.

12 Basically what started this is more and more things  
13 kept coming through the office that we realized we didn't either  
14 have classifications for or the classifications that we did have  
15 didn't make much sense. So we just kind of wanted to clean it  
16 up, add a few more things to Article 7, go through the Article 7  
17 definitions first. If you guys have any questions about it, you  
18 can ask me, and then we'll move onto the zoning districts, if  
19 that's okay.

20 Okay. So the first one that we have had multiple  
21 questions about is auction houses, more defined as animal auction  
22 houses. So I went ahead and I did two different classifications.  
23 Now we have an animal auction house, which is, "A building, area  
24 or areas within a building used for the public sale of livestock  
25 and/or domestic animals."

1 I'm going to skip the next one just so we can go  
2 through auction house. So an auction house would be:

3 "A building, or an area within a  
4 building, used for the public sale of  
5 goods, wares, merchandise or equipment  
6 to the highest bidder. This definition  
7 excludes livestock or motor vehicles."

8 So that kind of covers the auction house aspect of  
9 it. I know we had questions about the animal feeding operation  
10 definition, and when I went back to read this definition, I  
11 realized the one had got -- just, Bill for your clarification --  
12 is that it's from the EPA. So I looked around at different  
13 definitions, and I came up with a new one. Obviously, I'm not in  
14 the farming operation, so if this still doesn't make sense, we  
15 can still change it, but I changed it to:

16 "A lot, building, or complex engaged  
17 in the fattening, raising, or breeding of  
18 animals typically for the commercial  
19 production of food where the animals are  
20 fed primarily in pens, lots or buildings,  
21 partially or wholly enclosed. Uses included,  
22 but are not limited to hog ranches, poultry  
23 farms and cattle feed lots. Also referred  
24 to as 'Commercial Feedlots.'"

25 And then if you move down to commercial

1 slaughterhouse, obviously again, that was a definition that we  
2 did I, obviously again, don't know too much about, but I changed  
3 it after looking again at more definitions of more rural places.  
4 And so now I changed it to:

5 "A facility for the slaughtering  
6 and processing of 1,000 or more head of  
7 livestock or 5,000 or more birds per year  
8 and the refining of their byproducts. Less  
9 than 1,000 head of livestock or less than  
10 5,000 birds per year. See 'Agricultural  
11 Products.'"

12 And then we'd leave that definition the same.

13 After that I had to do a definition of domestic  
14 animals because we talked about domestic animals for the animal  
15 auction house. And that is: "Any animal that has been tamed and  
16 kept by humans as a pet including, but not limited to, cats,  
17 dogs, guinea pig, et cetera."

18 CHAIRMAN EVANS: Scottie, I had a comment  
19 there. That you could have wildlife or whatever, deer or  
20 something that's tame, and I thought you might add something  
21 about excluding those animals in the fine writing or the CC as  
22 wildlife, except in the approp- -- unless they have appropriate  
23 permitted licenses that you have a deer that's tame or a fox or  
24 something else. But if Conservation Department considers it  
25 wildlife, you can't possess it without a permit.

1 COMMISSIONER McLAREN: There is a problem  
2 with that, if I can interrupt, is you know last year the Governor  
3 vetoed an ag bill basically because of captive deer. And so the  
4 Department of Agriculture wants to consider captive deer as  
5 livestock, and the Conservation Department wants to consider them  
6 as wildlife. And so the State of Missouri is not even agreeing  
7 on whether deer can be livestock or wildlife right now. So...

8 COUNTY ATTORNEY VINCENT: You don't want  
9 to go there.

10 CHAIRMAN EVANS: Okay. Yeah, I was just  
11 thinking that anybody else's opinion because I think we run into  
12 other than I remember reading about that on the deer issue. It's  
13 just the tamed animal is kind of a broad brush, and I think  
14 anyone who has a fox or anything else, unless they have a permit,  
15 is rehab or something like that.

16 COMMISSIONER HAIRE: When you go by the  
17 Department of Conservation, that's going to be the more  
18 conservative because they're fighting with the Agricultural  
19 Department, you're exactly right for what that is. So if we went  
20 to the Conservation Department, by standards of that, you'll be  
21 the most conservative position because they're going to view the  
22 way you just say it pretty much.

23 CHAIRMAN EVANS: Yeah, and I guess, Bill,  
24 the point is do we want to view it that way.

25 COMMISSIONER McLAREN: My point is that if

1 they can't decide on how it is, I think we need to decide what  
2 we're trying to accomplish by looking at it that way.

3 MS. EAGAN: Personally, when I wrote it, I  
4 wasn't -- deer never came into my head as a domestic animal is  
5 more, you know, your cats, dogs, rabbits.

6 COMMISSIONER HAIRE: But he has a point.  
7 There's a lot of exotic animals out there that are, you know,  
8 depending on how they're permitted.

9 MS. EAGAN: I mean, we do have a special  
10 section that addresses exotic animals, exotic animals is how it's  
11 termed, because that was the whole thing when the wolfs got out,  
12 we really looked into that.

13 CHAIRMAN EVANS: Yeah, I guess just mainly  
14 that have been tamed. I've got a dog and it's not tame, but it's  
15 a domestic animal.

16 MS. EAGAN: Yeah, we have a --

17 [Off-the-record comments]

18 We had a category that said exotic or wild animal as  
19 defined by Missouri State Statutes. That you can have on your  
20 property for conditional use permits.

21 CHAIRMAN EVANS: Okay.

22 MS. EAGAN: So even if it --

23 CHAIRMAN EVANS: So right now just leave  
24 it as it is that would do then. What Bill said I don't want to  
25 get into that. I don't want to put a dog in that fight.

1 MS. EAGAN: I'm going to skip the next two  
2 because those are for Article 8.

3 Next I identified what a facility is because we have  
4 that as special events, periodic. So I defined it as a structure  
5 or place which is built, installed, established to serve a  
6 particular purposes.

7 Livestock I defined as generally accepted outdoor  
8 farm animals including, but not limited to, cows, goats, horses,  
9 pigs, fowl, et cetera. Does not include cats, dogs and other  
10 house pets.

11 Then we went ahead and right now we have just the  
12 general category of manufacturing. We found that was hindering a  
13 lot of smaller people who were just doing a business at their  
14 house with just themselves processing or manufacturing things.  
15 So we went ahead and split it into two categories now. So we  
16 have manufacturing, heavy, which is:

17 "An establishment engaged in  
18 manufacturing, assembly, fabrication  
19 and packaging or other industrial  
20 processing of products primarily from  
21 extracted or raw materials or the build  
22 storage and handling of such products and  
23 materials. This term includes, but is not  
24 limited to, stonework or concrete product  
25 manufacturing, vehicle manufacturing,

1 fabrication of metal products, manufacturing  
2 and agricultural, construction or mining  
3 machinery, lumber milling, permanent  
4 concrete/batch plant."

5 Then we have manufacturing, light, which is:

6 "An establishment engaged in the  
7 indoor manufacturing, assembly, fabrication,  
8 packaging, and/or processing of finished  
9 products or parts primarily from previously  
10 prepared materials and incidental storage  
11 and distribution of such products but does  
12 not include basic industrial processing from  
13 raw materials."

14 And then finally, for special events, periodic, we  
15 have had a lot of files come through for this where they do put  
16 up a tent such as Mazan [phonetic] and the one we heard tonight.  
17 So we thought let's just get rid of "which is permanent in  
18 nature" because we do have a lot of places in the county where  
19 they might have, you know, one shed but they also want to put up  
20 a tent, and I don't -- personally I don't think which should  
21 restrict that. I don't know if you guys disagree. We can keep it  
22 in there.

23 So those are the definitions. You guys want to talk  
24 about that, or do you want me to move onto the zoning districts?

25 CHAIRMAN EVANS: I think why don't we go

1 ahead and talk about these.

2 MS. EAGAN: Okay.

3 CHAIRMAN EVANS: One chunk at a time.

4 Any issues with any of the definitions?

5 COMMISSIONER McLAREN: Well, I have an  
6 issue with the animal feeding operation, and Scottie's exactly  
7 right. This is the verbiage that was in here as out of the DNR  
8 and out of EPA exactly. What's missing that causes me to have  
9 issue is nowhere that I have read does it say also referred to  
10 commercial feedlots. That is where I have a problem with it, and  
11 because the EPA and DNR regulations it has listed, you know, an  
12 AFO becomes a CAFO when you have X amount of animal units. So  
13 you got a large CAFO or you got a medium CAFO and you got a small  
14 whatever becomes an AFO, and an AFO is not going to be a CAFO  
15 because of whatever. I think there's confusion there and as you  
16 read it, that's exactly the way it says it. So I really object  
17 to using any of this terminology to come around to commercial  
18 feedlots where my objection is.

19 That's really where I -- you know, with the assault  
20 of agriculture anymore to have something that says -- I mean, by  
21 the definition that's used here, most anybody that's got two  
22 horses that I would sell hay to has a -- an AFO, which is a  
23 commercial feedlot by this definition, and I just object  
24 strenuously to the commercial feedlot being in there without  
25 having numbers to go along with it.

1 COMMISSIONER HAIRE: We have. Do we use  
2 that terminology anywhere else?

3 MS. EAGAN: Well, what I took that from,  
4 we do have to Appendix O, which is consigned to animal feeding  
5 operations, and it's basically the Missouri Department of Natural  
6 Resources' book. But in there, it says the following -- it says  
7 Guide to Animal Feeding Operations. The following requirements  
8 regulate concentrated animal feeding operations, also know as  
9 CAFOs.

10 So I might -- I don't know if this needs maybe not  
11 thinking too much about it, I just assumed it was the same thing  
12 just because that's what -- I mean, it says the Guide to Animal  
13 Feeding Operations and then goes into talking about the confined  
14 animal feeding operations.

15 COMMISSIONER McLAREN: But a CAFO and an  
16 AFO is totally different, and to say that any AFO is also  
17 referred to as a commercial feedlot, I just really object. I  
18 think it's wrong terminology, and I think it can --

19 COMMISSIONER CUNIO: I agree with Bill. I  
20 agree.

21 CHAIRMAN EVANS: So we need additional  
22 definitions of more specific?

23 COMMISSIONER CUNIO: Look at that some  
24 more.

25 COMMISSIONER McLAREN: I don't mind the

1 definition up here. What I -- that's been changed. I mean,  
2 that's standard, but you know -- and you said you had the table,  
3 but at the bottom of the table it has three appendixes, or the  
4 ones I've looked at has three footnotes to it. It says these  
5 three footnotes that this level man will never be AFO. It is  
6 considered to be a CAFO unless you've got pipe that goes  
7 underneath a road ditch. And it gets very confused when it gets  
8 very much environmental legalese, and I really object to having  
9 the word commercial feedlot attached to this without having --

10 MS. EAGAN: I get what you're saying  
11 because it does say an operation is defined as a CAFO that falls  
12 within a Class 1 side category designed, stabled or feed the  
13 animals then it basically has what we have in our definition for  
14 45 days or more in a 12-month period, and crops and vegetation  
15 cannot be sustained over at least 50 percent of the confinement  
16 area. That's what this regulation says, unless these are  
17 outdated.

18 COMMISSIONER McLAREN: No, that's --  
19 that's what it is, but then like I said, you get down to the --  
20 there's three sub-notes below the appendix that says it's a  
21 thousand animals down to 500 animals, 500 animals down to 300  
22 animals, less than 300 animals an AFO, and I still object to the  
23 same commercial feedlot in this application because by this if  
24 I've got two horses that I don't have enough hay, grass for and I  
25 got to buy hay feed them, I have a commercial horse feedlot

1 without the footnotes involved.

2 CHAIRMAN EVANS: Well, you guys are more  
3 expert.

4 MS. EAGAN: How about you sit in and write  
5 the definition.

6 CHAIRMAN EVANS: I've got donkeys but I  
7 don't consider it a commercial feedlot.

8 COMMISSIONER CUNIO: If you buy hay, and  
9 that's a commercial feedlot.

10 COMMISSIONER McLAREN: If you don't  
11 have -- if you've got 45 days during the course of the entire  
12 year that you got to buy hay for, you have a commercial donkey  
13 feedlot.

14 MS. EAGAN: But I mean, we're getting rid  
15 of that 45 day thing.

16 COMMISSIONER McLAREN: I think we need to  
17 get rid of the commercial feedlot. That's the part I'm arguing.

18 CHAIRMAN EVANS: Much better to leave it  
19 in there so my wife would have to get rid of the donkeys.

20 MS. EAGAN: So are you suggesting we have  
21 a separate definition for commercial feedlots then?

22 COMMISSIONER McLAREN: I would be much  
23 happier with that than calling it an AFO; otherwise, known --  
24 otherwise, referred to -- or also referred to as a commercial  
25 feedlot.

1 MS. EAGAN: Mark, read many of those?

2 COMMISSIONER HAIRE: What's the legal  
3 implication either way to us?

4 COUNTY ATTORNEY VINCENT: I don't know  
5 what an AFO is.

6 MS. ZIELKE: We define it as a liability.

7 COUNTY ATTORNEY VINCENT: I think it would  
8 be a good idea, but Scottie just asked. What do Bill and Ray  
9 think needs to be added to make it work or take it out?

10 COMMISSIONER CUNIO: Commercial, right?

11 COMMISSIONER McLAREN: Yeah, I -- the  
12 commercial feedlot part needs -- needs to come out because the  
13 way this is defined, I can be Bill's neighbor, and you know,  
14 there's been an addition to the State Constitution on the freedom  
15 to farm a year ago which says that, you know, basically I have  
16 the option to do this, but when you said I have a commercial  
17 feedlot, then I can object to his two donkeys there, and say he's  
18 operating a commercial feedlot.

19 COUNTY ATTORNEY VINCENT: If you took off  
20 that last part, "also known as a commercial feedlot" --

21 COMMISSIONER McLAREN: That would make me  
22 happy. That's the only thing I'm arguing is it's not a  
23 commercial -- also known as commercial feedlot.

24 COMMISSIONER HAIRE: If we went don't have  
25 any legal requirements, I don't see the problem with that.

1 COMMISSIONER BOLAND: Well, then, Bill,  
2 are you going to then put in there something about a commercial  
3 feedlot or you just going to leave --

4 COMMISSIONER McLAREN: Yeah, I'm happy to  
5 put in a definition.

6 COMMISSIONER BOLAND: I'm not saying you  
7 have to, but I'm just asking you.

8 COMMISSIONER McLAREN: No.

9 COMMISSIONER BOLAND: Do you want that  
10 definition in there then too?

11 COMMISSIONER McLAREN: Yeah, I'm happy to  
12 have the definition of a CAFO in there. I think it's important  
13 to protect people's property rights on both sides.

14 COMMISSIONER HAIRE: Okay.

15 COMMISSIONER BOLAND: Okay.

16 COMMISSIONER McLAREN: You know, that --  
17 you know that if it's a CAFO, whether it's a medium CAFO or a  
18 large CAFO, you know, the County should have the ability to  
19 weight in on that. But by the same token, this is not a --  
20 what's defined here is AFO is not a commercial feedlot by an  
21 stretch of the imagination.

22 COUNTY ATTORNEY VINCENT: What is what  
23 does AFO stand for?

24 COMMISSIONER McLAREN: Animal Feeding  
25 Operation.

1 COUNTY ATTORNEY VINCENT: I know what AFO  
2 is, but I didn't know what --

3 COMMISSIONER McLAREN: It's Confined  
4 Animal Feeding Operation. So we've kind of put both things  
5 together here and make one out of it, and that's what I object  
6 to.

7 MS. EAGAN: Well, would either of you be  
8 open to helping us with the definition or coming up with possible  
9 definitions that we can all look at the next time to address it?

10 COMMISSIONER TOBBEN: Isn't it just  
11 quantifying it, Bill. Is that all it is?

12 COMMISSIONER McLAREN: I think that -- I  
13 don't know how many more ways I can say it. I don't even object  
14 to what the AFO language is here, because that's the legal  
15 definition of what an AFO is. But nowhere --

16 MS. EAGAN: You're talking about the  
17 current definition?

18 COMMISSIONER McLAREN: Yes, but nowhere  
19 does it say in that also referred to as commercial feedlot.

20 CHAIRMAN EVANS: You just want to take the  
21 last sentence off?

22 COMMISSIONER McLAREN: I would like to  
23 take that off, and then I'm looking --

24 COUNTY ATTORNEY VINCENT: Do you need --  
25 have the commercial feedlot definition?

1 COMMISSIONER McLAREN: Yes. I think it's  
2 most applicable to add a CAFO definition, and then say see the  
3 appendix.

4 COUNTY ATTORNEY VINCENT: Fair enough.

5 MS. EAGAN: Okay. So you'd rather us just  
6 direct people to Appendix O than do our own definition of what a  
7 confined feeding operation is?

8 COMMISSIONER McLAREN: No, I think you use  
9 the same definition, go to the same web site and get the CAFO  
10 definition and then attach the appendix to it, that it's --  
11 because it's different depending on the species of the animal. I  
12 mean, it goes all the down to how many ducks you can have.

13 MS. ZIELKE: You mean their appendix?

14 COMMISSIONER McLAREN: Yes.

15 COUNTY ATTORNEY VINCENT: Why don't we  
16 just refer to the state law and be done with it?

17 COMMISSIONER McLAREN: That's fine too,  
18 except it's the commercial -- this part of it.

19 COUNTY ATTORNEY VINCENT: I mean, when was  
20 the last time we had an application for an animal feedlot?

21 MS. EAGAN: We don't. So can I just take  
22 these -- both of these definitions -- yeah, both of these  
23 definitions out because the way Article 7 reads is, you know,  
24 this includes animals subject to confined animal feeding  
25 operations regulated by the Missouri Department of Natural

1 Resources of Class 1B or smaller. And then if you go there, it  
2 tells you what's going to be smaller. So if we just get rid of  
3 the definitions altogether, it simplifies it.

4 COUNTY ATTORNEY VINCENT: Halleluiah.

5 CHAIRMAN EVANS: Would that work?

6 COMMISSIONER McLAREN: Yeah.

7 CHAIRMAN EVANS: All right.

8 COMMISSIONER McLAREN: Thank you.

9 CHAIRMAN EVANS: So now my wife gets to  
10 keep her two donkeys.

11 COMMISSIONER McLAREN: My wife would say  
12 she had three donkeys. And I appreciate your work on the  
13 commercial slaughterhouse also.

14 MS. EAGAN: Did that make more sense?

15 COMMISSIONER McLAREN: Well, I'm going to  
16 take the other side this time.

17 MS. EAGAN: Okay.

18 COMMISSIONER McLAREN: I think you may  
19 have went -- gone too far. Well, I mean, guys, read it. You  
20 went from --

21 MS. EAGAN: Per week to per year.

22 COMMISSIONER McLAREN: Five hundred per  
23 week to a thousand per year.

24 MS. EAGAN: But that was animals total,  
25 where this I separated it into livestock and then birds or fowl.

1 I don't know if that makes a difference to you.

2 COMMISSIONER McLAREN: Well, you went from  
3 500 a week to 20 a week. That's my point. I think there is a  
4 little happier medium in the middle that's probably -- I get a  
5 little --

6 [Off-the-record comments]

7 I think there's something more in the middle that's  
8 -- unless I'm reading this wrong -- that would be more  
9 appropriate than to make that big a change.

10 MS. EAGAN: Well, I guess my question  
11 would be for agricultural processing, do you want then which is  
12 permitted without you guys looking at it? Is that something you  
13 would want then to do more animals per year or keep it at that,  
14 because that's really what we're restricting, you know, the  
15 commercial slaughterhouse giving them more than that. So it's  
16 really -- I don't think we'll have too many issues with that  
17 anymore. We're going to have -- in Franklin County we're going  
18 to deal with the agricultural processing side within the  
19 commercial slaughterhouse.

20 However, we did just have a call about a commercial  
21 slaughterhouse.

22 COMMISSIONER McLAREN: Okay.

23 COUNTY ATTORNEY VINCENT: She's the --

24 MS. EAGAN: Which is why we are addressing  
25 it now.

1 COMMISSIONER BOLAND: I think your fine  
2 the way -- your numbers. You know, I mean, we're splitting  
3 hairs. We can put whatever number or whatever, I think, on  
4 there.

5 MS. EAGAN: Again, I don't own a farm.  
6 You two have farms, so discussions are always helpful. And if  
7 anyone else owns a farm, I don't know.

8 COMMISSIONER McLAREN: I think we're a  
9 long ways from splitting hairs. I mean, we went from 500 a week  
10 to a thousand a year. So we went products --

11 COMMISSIONER BOLAND: Well, I realize  
12 that, but I just meant --

13 COMMISSIONER McLAREN: Well, and I agree.  
14 I don't want -- I mean, I raise animals and I sell animals, but I  
15 really don't want a commercial slaughterhouse beside me either.  
16 And what is defined here was really close to a commercial -- was  
17 a commercial slaughterhouse. So how big is something does  
18 somebody want to build that they're considering to be a  
19 commercial slaughterhouse that you got a call on?

20 MS. EAGAN: I don't remember. Nichole, do  
21 you remember the details of that one?

22 MS. ZIELKE: No, they were thinking that  
23 right now they may be able to fall under agricultural processing,  
24 but that at some point, their hope is to be able to expand to  
25 become what we would have -- I mean, how we would have defined a

1 commercial slaughterhouse.

2 COMMISSIONER CUNIO: How many are we  
3 permitted under agricultural processing?

4 MS. ZIELKE: Well, currently less than 500  
5 a week, right?

6 MS. EAGAN: Yeah, but we would change that  
7 to now match this.

8 CHAIRMAN EVANS: Well, I think we're at  
9 the point where we're just kind of -- we're picking numbers and  
10 we're getting kind of picky. So it's -- and this isn't written  
11 in concrete. So we can use these numbers or change these  
12 numbers. We can always come back and change it again if there's  
13 additional evidence. Otherwise, we're just going to sit here and  
14 talk about what's the right number.

15 MS. EAGAN: Yeah, naturally agricultural  
16 processing does not have a set number. It just says agricultural  
17 processing shall not include commercial feedlots, which we'll now  
18 get rid of, or slaughterhouses, which would then refer you to  
19 this definition.

20 COMMISSIONER CUNIO: Let me ask you about  
21 what commercial means because some of these slaughterhouses do  
22 sell, in my mind, commercially.

23 COMMISSIONER McLAREN: We are just  
24 defining them by numbers.

25 MS. ZIELKE: Well, right now, even though

1 it doesn't say agricultural processing, commercial slaughterhouse  
2 currently says less than 500 or agricultural.

3 MS. EAGAN: Right.

4 COMMISSIONER WILLIAMS: Can I ask a  
5 question? Scottie, --

6 MS. EAGAN: Uh-huh.

7 COMMISSIONER WILLIAMS: -- why did you  
8 feel it necessary to change this?

9 COMMISSIONER McLAREN: Because Bill says  
10 the number was a little too high.

11 COMMISSIONER WILLIAMS: Oh, okay. It's  
12 your fault.

13 COMMISSIONER McLAREN: Absolutely, and I'm  
14 really proud of it.

15 MS. EAGAN: So I was relooking at it,  
16 looking at other counties and my planning books, and it was kind  
17 of a middle of what a lot of people had. So...

18 COMMISSIONER McLAREN: I'm just -- I mean,  
19 I'll quite crying.

20 CHAIRMAN EVANS: So this is better than it  
21 was.

22 COMMISSIONER McLAREN: [Nodding]

23 CHAIRMAN EVANS: And again, if we see  
24 something, definitely we come back and change it --

25 MS. EAGAN: Right.

1 CHAIRMAN EVANS: -- and we can do it  
2 again. So..

3 COMMISSIONER McLAREN: I think this is  
4 okay. I think this is much better. What do you think?

5 CHAIRMAN EVANS: So the donkeys stay.

6 COMMISSIONER HAIRE: You could  
7 slaughterhouse them.

8 CHAIRMAN EVANS: Yeah. I can find a new  
9 home too.

10 MS. EAGAN: So are we good with  
11 definitions?

12 CHAIRMAN EVANS: Anything else on the  
13 definitions?

14 MS. EAGAN: Okay. For the zoning  
15 districts, obviously I've starting at the beginning.

16 In 7.1 we did an animal auction house as permitted  
17 in agricultural. If you flip it over, we permit manufacturing,  
18 light with five or fewer employees, and then as a conditional  
19 use, we do manufacture, light with more than five employees.

20 And then I also amended the category motor vehicle  
21 service and put installation of parts, repair and maintenance.  
22 One thing we talked about for awhile and then we went ahead and  
23 add it in -- it's up to you guys if you want to keep it -- is  
24 that just a regulation that says anything stored outside shall be  
25 behind a site-proof stockade type fence. That way a lot of the

1 permitted shops out there we won't have all the violations come  
2 up over and over again because the requirement is you have to  
3 build a fence even if you're permitted.

4 In Community Development, we did an auction house as  
5 permitted. And then under conditional uses, you know, again with  
6 the motor vehicle rentals and service, anything stored outside  
7 shall be behind a site-proof stockade type fence.

8 Under Commercial Activity, Highway Service, we  
9 permitted an auction house. Again did the stipulation of any  
10 vehicles not for sale or anything stored outside shall be behind  
11 a site-proof fence, and sales, rental and service.

12 Under Commercial Activity 3, we added permitted uses  
13 of manufacturing, light and heavy, and then added our caveat of  
14 any vehicle not for sale or any to be stored outside shall be  
15 behind a site-proof stockade type fence.

16 We didn't touch any of the residential districts.  
17 So if you go to the very end where it's industrial development,  
18 we added commercial slaughterhouses as a conditional use.

19 So those are the changes to Article 7.

20 MS. ZIELKE: So animal auction house only  
21 allowed in Non-Urban and Agricultural and nowhere else?

22 MS. EAGAN: That's what I'm proposing.

23 CHAIRMAN EVANS: Any other questions,  
24 discussion?

25 COMMISSIONER BOLAND: I found it.

1                   CHAIRMAN EVANS: I think the articles were  
2 pretty simple. Other comments, questions? If not, the Chair  
3 would --

4                   COMMISSIONER BOLAND: Bill has one.

5                   CHAIRMAN EVANS: I'm sorry, Bill.

6                   COMMISSIONER McLAREN: You know, it seems  
7 like we have probably -- we have a lot of stuff in auto repair  
8 and auto sales, and we're getting a lot of stuff with specially  
9 events, and I think, at some point in time, the special events  
10 it's probably -- if it gets any more popular than what it is, I'm  
11 not so sure that it's not going to need more, unfortunately, I  
12 hate to say it, definition than what it is because I don't think  
13 we're treating everybody fairly.

14                   I think that there's been I counted, I think, seven  
15 and maybe eight conditional use permits in the last three years  
16 for wedding venues, and they're -- you know, we talk about the  
17 guy down in Sullivan. We were worried about him having parking  
18 on the other side of the road from where his facility was. So  
19 we're -- you know, we've gone pretty far on some things, and I  
20 don't think we've treated everybody quite all the same. And I  
21 think we need to have a little bit more ability to treat  
22 everybody the same now.

23                   COUNTY ATTORNEY VINCENT: I'm just standing  
24 because my knees hurt.

25                   MS. EAGAN: And he wrote the definition.

1 COMMISSIONER McLAREN: I mean, I've seen  
2 these that have concrete. The one -- I'll go back to the one in  
3 Sullivan, and Tim probably knows it a whole lot better than I and  
4 I've driven by. But I mean, it's got concrete drives and  
5 established parking and parking blocks and whatever, and it just  
6 doesn't seem -- and we were concerned about him not having enough  
7 parking. It doesn't seem like we're treating everybody the same  
8 is my comment.

9 CHAIRMAN EVANS: Okay. You're right. We  
10 have seen a lot in the last and all different types, everywhere  
11 from a tent to some that may be considered palaces, but pretty  
12 nice.

13 COMMISSIONER CUNIO: Yeah.

14 CHAIRMAN EVANS: Yeah, very upscale would  
15 be the word.

16 COMMISSIONER WILLIAMS: If you target --  
17 why are they not treated the same? Aren't they mainly  
18 conditional use permits that we're seeing and so based on the  
19 venue, the type, the place where it's at be dependent on what  
20 conditions you may place on those?

21 COMMISSIONER McLAREN: But I think where  
22 it's at is probably playing in more than it should be. That  
23 we're looking at some of them harder where they're at, putting  
24 more requirements on, you know, here. I'm going to sound like  
25 I'm, you know, steering my own ox here. But if I had to put a

1 sprinkler system in. The guys down at Sullivan had to put a  
2 sprinkler system in. The guy up on Highway 100 had to put a  
3 system -- sprinkler system in. The Cedar -- Cedar whatever  
4 outfit in New Haven had to put a sprinkler system in.

5 So we are requiring because alcohol being served and  
6 the way the county code is, if you have a permanent building,  
7 it's supposed to have a sprinkler system in it. So we're -- you  
8 know, that's the code because some fool set off fireworks in New  
9 Jersey inside of a barn. Now, whether that's right or wrong, who  
10 I don't know that it's fair that the guy in Sullivan or me or  
11 somebody else spent a lot of money to put a sprinkler system in,  
12 and we're saying, you know, somebody can put up a tent every  
13 weekend.

14 COMMISSIONER SCHULTEHENRICH: There's a  
15 sprinkler system not required in close to -- off of Mill Hill.

16 COMMISSIONER CUNIO: That facility --  
17 because you and I talked about it. That facility is open

18 COMMISSIONER McLAREN: It doesn't matter.

19 COMMISSIONER SCHULTEHENRICH: That's not  
20 -- I understand that you're taking a position on there, Bill. I  
21 understand that.

22 CHAIRMAN EVANS: I do too, but that's code  
23 that we can't...

24 COMMISSIONER McLAREN: I know the code  
25 says that if it holds 99 people and it's got a permanent roof,

1 it's photo to have a sprinkler system.

2 COMMISSIONER SCHULTEHENRICH: Why would  
3 your place --

4 [crosstalk]

5 MS. EAGAN: But the one on Mill Hill was  
6 required to get a sprinkler system, but they appealed it and then  
7 they had to do a whole bunch of other stuff in order to not have  
8 to do the sprinkler system.

9 CHAIRMAN EVANS: But that's not anything  
10 we address in the CUP. That's Building and code. So from that  
11 we can't do anything with that anyway.

12 COMMISSIONER HAIRE: I mean, there's  
13 different type of venues, and depending on the type of venue  
14 you're going to use for that type of planning, some things are  
15 going to more attractive, but that's building code that requires  
16 that. That's not us.

17 COUNTY ATTORNEY VINCENT: What do you guys  
18 think about just talking about the possibility? Right now you  
19 have for periodic events can be -- they're permitted in every  
20 district -- as a matter of fact, now residential does not allow  
21 it at all.

22 COMMISSIONER HAIRE: Uh-huh.

23 COUNTY ATTORNEY VINCENT: In commercial  
24 districts they are permitted. What we argue over and discuss are  
25 those type of events in ANU.

1 COMMISSIONER HAIRE: Yeah.

2 COUNTY ATTORNEY VINCENT: Whatever it is  
3 now.

4 MS. EAGAN: NUA.

5 COUNTY ATTORNEY VINCENT: Let her make it  
6 permitted.

7 COMMISSIONER SCHULTEHENRICH: Well, they  
8 are permitted.

9 COUNTY ATTORNEY VINCENT: No, I'm not  
10 talking about conditional. I'm talking about making them  
11 permitted.

12 COMMISSIONER SCHULTEHENRICH: Permitted?

13 COUNTY ATTORNEY VINCENT: Permitted.

14 COMMISSIONER BOLAND: So then they'd have  
15 to come in here and apply for a permit.

16 COUNTY ATTORNEY VINCENT: No, no.

17 [crosstalk]

18 CHAIRMAN EVANS: No, they wouldn't.  
19 They'd just go get it straight to the Building Department and do  
20 what they want.

21 COUNTY ATTORNEY VINCENT: When was the  
22 last time we checked one of them anyway?

23 MS. EAGAN: Tori does it every year.

24 COUNTY ATTORNEY VINCENT: Every one, every  
25 event?

1 MS. EAGAN: He doesn't go to every event,  
2 but once it's been approved, he goes out during the day.

3 COUNTY ATTORNEY VINCENT: I understand  
4 that go out to the events themselves, but --

5 MS. EAGAN: Oh, yeah, we don't go to the  
6 events.

7 COUNTY ATTORNEY VINCENT: So you go out  
8 there and make sure they shut off the music at ten o'clock?

9 MS. EAGAN: What we can do for the events?

10 CHAIRMAN EVANS: You need volunteers?

11 COUNTY ATTORNEY VINCENT: I'm just  
12 throwing it out for your discussion because that's -- the only  
13 time you have problems with it is when you have -- and most of  
14 them in ANU, but what are you -- once again, like Bill asked a  
15 while ago, what are you trying to accomplish? I don't know. I  
16 don't know what you're trying to accomplish.

17 COMMISSIONER HAIRE: If it's a permitted  
18 event, what type of restrictions and music and hours because I  
19 think that's probably the main thing that we're looking at is  
20 some events are really out in the open, there's no one around,  
21 there's very little discourse with anybody, you know, having an  
22 objection to it.

23 And then you have ones that are relatively close to  
24 a few homes, and whatever restrictions do we put on there? The  
25 hours and music after thing consistently those.

1 COUNTY ATTORNEY VINCENT: If that's what  
2 you're going to do, then okay. I'm just playing devil's  
3 advocate. I have a three-piece string quarter -- a three-piece  
4 string -- what do you call it? Quartet, four I know it takes  
5 four. I guess we have three. We go beyond the cutoff, but you  
6 can't hear it outside the tent. But then if somebody stops at  
7 the cutoff they're playing it young noisy crap, so how do you  
8 regulate that?

9 CHAIRMAN EVANS: Well, you did a lot of  
10 our regulating are complaint-driven.

11 COMMISSIONER HAIRE: Yeah.

12 COUNTY ATTORNEY VINCENT: But on a special  
13 permit like this, by the time the complaint is filed, it's done.  
14 That's my point. How you going to enforce these things?

15 COMMISSIONER SCHULTEHENRICH: When you  
16 have it under a condition use permit, you're able to ask  
17 questions in regards to what it is going to be utilized for. So  
18 you know what it is for. If you put it under a permitted basis  
19 on here, potentially they would have the means of utilizing it  
20 for other events that we wouldn't have even thought of in regards  
21 to it would be used for. That potentially is something that we,  
22 as the commissioners, would find that objectionable to be used  
23 for. And I don't know what that would be.

24 CHAIRMAN EVANS: It could be used for your  
25 quarterly mud run.

1 MS. EAGAN: No, that would fall under  
2 periodic.

3 COMMISSIONER SCHULTEHENRICH: No, that  
4 can't be. But could it be a potentially on a very small piece of  
5 property? Could it be utilized for a balloon race, okay,  
6 potentially.

7 MS. EAGAN: No.

8 COMMISSIONER SCHULTEHENRICH: Of which you  
9 would have --

10 MS. EAGAN: It can't be used as -- for a  
11 balloon race. I mean, based on the periodic, that definition is  
12 pretty cut and dry of types of events which comprises  
13 classification include but are not limited to wedding  
14 celebrations, anniversaries, birthday parties, business  
15 conferences, holiday celebrations, and graduation celebrations.

16 Typically everything under else -- everything else  
17 would fall under special events, occasional.

18 COMMISSIONER SCHULTEHENRICH: So if it was  
19 to be declared for -- and I'm just going to play the devil's  
20 advocate. If it was supposed -- if it would be declared that it  
21 would be for a birthday party, okay, and somebody wanted to  
22 bring in ten balloons -- hot air balloons onto there and had  
23 potentially parking on the county road, in that area because of  
24 50 people -- let's say 50 cars being utilized that the property  
25 wouldn't adhere to, we would have -- that would be okay under a

1 permitted basis? I'm playing the devil's advocate on that.

2 MS. EAGAN: I don't know about parking on  
3 the county roads, if Ron has anything about at that, but...

4 COUNTY ATTORNEY VINCENT: We can ask now.

5 COMMISSIONER SCHULTEHENRICH: I'm not  
6 aware of anything that would restrict on the county road.

7 COMMISSIONER WILLIAMS: We have got no  
8 parking zone, Mark, or --

9 COUNTY ATTORNEY VINCENT: We have a few of  
10 those. You can't -- if they're not posted, we can't. There's  
11 very few places where you can't park on a county road. Usually  
12 approaches to entrances.

13 MS. EAGAN: And I think the reason why  
14 after you asked me and I was thinking about it why we did it this  
15 way because we consider special events, periodic similar to that  
16 if you had a restaurant or bar or a facility of that nature which  
17 is permitted in all the commercial districts, but not NUA. And  
18 that's why we put it a conditional in NUA because there is not  
19 another type of activity that is permitted in that district  
20 that's similar that to that.

21 COUNTY ATTORNEY VINCENT: That's fine. I  
22 was just throwing it out there.

23 MS. EAGAN: But that's why I couldn't  
24 remember why we did it.

25 CHAIRMAN EVANS: Okay.

1 COUNTY ATTORNEY VINCENT: All in this,  
2 Bill is right. Both Bills are right. There's been a lot of  
3 variation in what you require.

4 COMMISSIONER SCHULTEHENRICH: Bill, I  
5 think you're trying your best to address it on a fair basis for  
6 everybody, trying to keep it the same, but I don't believe  
7 every -- every special event application is there to be  
8 potentially treated all the same because there may in fact be  
9 other circumstances, other of the venue itself, okay, that would  
10 warrant potentially a modification than what we have placed upon  
11 one may not be placed upon another.

12 But I would think that we would hope that all of it  
13 would be treated for a fair basis. Okay. I certainly would  
14 agree with you.

15 COMMISSIONER McLAREN: I agree with you.  
16 I just wanted to have a little bit of discussion since there's  
17 been seven of them come. Since we were changing the definition,  
18 it was as good time as any to create some discussion. And you  
19 know, like I said, everybody that I have talked to that alcohol  
20 is what their biggest concern is. And that -- that was my  
21 concern tonight about asking about how deep the lake was along  
22 side the road. It is, you know...

23 COMMISSIONER SCHULTEHENRICH: If we put  
24 restrictions on some of which we said there would be no activity  
25 on a Sunday even. Okay, because we said -- I think we had one

1 person or somebody from a church came here one time and said they  
2 had some objection to it. So we said --

3 MS. EAGAN: They didn't say not on Sunday.  
4 They the hours of noon until something.

5 [crosstalk]

6 COUNTY ATTORNEY VINCENT: You can't  
7 mention the word church.

8 COMMISSIONER HAIRE: That was before all  
9 that special training you gave us.

10 COUNTY ATTORNEY VINCENT: You can't  
11 mention the word church.

12 [crosstalk]

13 CHAIRMAN EVANS: It was a house of --

14 MS. EAGAN: Their concern was --

15 COUNTY ATTORNEY VINCENT: Why? Why is it  
16 different on Saturday?

17 CHAIRMAN EVANS: Because there was a group  
18 that met on Sunday morning weekly and it would disturb their  
19 meditation.

20 COMMISSIONER McLAREN: Thank you.

21 COMMISSIONER SCHULTEHENRICH: I guess I  
22 get tired a little bit on -- and I'm not a fan of Donald Trump,  
23 but politically correct goes only so far at times. Okay. And to  
24 say on Saturday --

25 COUNTY ATTORNEY VINCENT: Jay --

1 COMMISSIONER SCHULTEHENRICH: I'm just  
2 talking myself on this.

3 COUNTY ATTORNEY VINCENT: You're acting as  
4 agency of the government.

5 COMMISSIONER SCHULTEHENRICH: I understand  
6 we are. Okay. But sometimes we have decisions that we can make  
7 ourselves, okay. And I think sometime we are concerned always  
8 because of potential ramifications that potentially could come  
9 about and we shy back away because of potential ramifications  
10 when we need to judge the issues at hand as to how best it is for  
11 this county and its residents. So...

12 MS. EAGAN: Yeah, but Mark's job is to  
13 look at those potential ramifications and make sure we --

14 COUNTY ATTORNEY VINCENT: You can do that.

15 COMMISSIONER SCHULTEHENRICH: I think we  
16 need to understand that and we need to know that.

17 COUNTY ATTORNEY VINCENT: I'll stop you if  
18 you do that.

19 COMMISSIONER SCHULTEHENRICH: You can stop  
20 it over with the County Commissioners.

21 COUNTY ATTORNEY VINCENT: Well, I'll stop  
22 it here because you cannot do that. If you do it, you're on your  
23 own as an individual. You're not functioning as commissioner,  
24 and you're personally liable in that case.

25 COMMISSIONER SCHULTEHENRICH: Okay.

1 COUNTY ATTORNEY VINCENT: I am not going  
2 to allow you to violate law, Jay.

3 COMMISSIONER SCHULTEHENRICH: Then I am  
4 just going to -- then you would have complete power of overriding  
5 any action of this Commission then is just what you said to us,  
6 Mark.

7 COUNTY ATTORNEY VINCENT: No.

8 COMMISSIONER SCHULTEHENRICH: AND I don't  
9 know if that's correct.

10 COUNTY ATTORNEY VINCENT: The federal law  
11 is undermined or break regulations, heck, yeah, I'm going to stop  
12 you.

13 COMMISSIONER SCHULTEHENRICH: Well, now  
14 you're going over into that area.

15 COUNTY ATTORNEY VINCENT: No, you're the  
16 one that's talking about --

17 COMMISSIONER SCHULTEHENRICH: Okay. I  
18 just said in general opinion in regards to being politically  
19 correct on those type of things.

20 COUNTY ATTORNEY VINCENT: But you can have  
21 all the opinions you want. You just can't based your decisions  
22 on those that are illegal.

23 COMMISSIONER SCHULTEHENRICH: I agree. We  
24 are not here to do anything illegal, Mark.

25 COUNTY ATTORNEY VINCENT: But sometimes

1 what you just said would be illegal. What?

2 COMMISSIONER SCHULTEHENRICH: Certainly  
3 not we're not here to do anything illegal. And that's where your  
4 guidance is here, to provide us so we don't cross that line.

5 COUNTY ATTORNEY VINCENT: And I said  
6 that's what I would do.

7 COMMISSIONER SCHULTEHENRICH: Okay. I  
8 don't differ with you in that regards to bring that to out  
9 attention.

10 COUNTY ATTORNEY VINCENT: I'm saying if I  
11 say you're crossing the line, you're in some area you should not  
12 be, and if you go -- are going to do it anyway, I would say if  
13 you do that, you're -- 'm telling you right now, you are on your  
14 own as an individual. The County will not provide you with a  
15 defense.

16 COMMISSIONER SCHULTEHENRICH: Okay. That  
17 would be your statement to me. I understand.

18 COUNTY ATTORNEY VINCENT: That's what I  
19 would do because I've done it before.

20 COMMISSIONER HAIRE: Why don't we just  
21 watch and see how many come over the next year. If it looks like  
22 it's an increasing number, then reevaluate this at the end of the  
23 year and decide whether to do what Mark said and put it as a  
24 permitted, you know, in that non-agricultural.

25 COUNTY ATTORNEY VINCENT: Dan, that's not

1 what I said. I'm not trying to tell you guys how to --

2 COMMISSIONER HAIRE: I mean, he has a  
3 point. If we're starting to get so many, that's why we did a  
4 couple of the other changes, because they were becoming so often.  
5 So we wouldn't have to redo all those, we made them permitted,  
6 you know, in those zones. So this would be another one to look  
7 at.

8 MS. EAGAN: Well, I know the one -- of the  
9 ones Bill talked about, one of them wouldn't be permitted anymore  
10 because it was a residential district, and I think three of them  
11 are now permitted because they're in the Community Development  
12 District.

13 COMMISSIONER HAIRE: All right.

14 MS. EAGAN: So we wouldn't have even seen  
15 those if this code was in effect at that time.

16 Any other questions about Article 7?

17 COUNTY ATTORNEY VINCENT: I apologize if I  
18 took you off stray here. Just seemed that you were fighting over  
19 stuff, the same stuff. If you resolve it and you don't fight  
20 anymore, fine.

21 COMMISSIONER HAIRE: Seven looks good.

22 MS. EAGAN: Okay. Moving on to Article 8.  
23 It's a lot simpler.

24 We had to change our definition of driveways, and it  
25 was pointed out to me that I had the term road to describe

1 driveway, which contradicts itself. So now we say driveway is a  
2 private access for ingress/egress or means of approach to provide  
3 physical entrance to the property, and a driveway shares the  
4 private access for ingress/egress for means of approach to  
5 provide physical entrance to multiple properties.

6 So that's the definition of Article 8.

7 If you get into the regulation side of it on page  
8 8.2, there are partial exemptions. One, combination or boundary  
9 adjustment exemption.

10 I'm proposing to delete letter C, which is that if  
11 the property is along one side of a road with 30 feet or less of  
12 right-of-way, that an extra right-of-way should be dedicated.

13 We've had three situations within the past two  
14 months coming in where properties are at the rear of all these  
15 other properties and they don't have access to a county road, and  
16 the neighbors aren't going to give them access to a county road.  
17 So it is really -- are we really concerned about properties that  
18 are just adjusting their property lines, whether or not they have  
19 that 50 feet, because then we are just penalizing people who are,  
20 you know, potentially going from a half acre to an acre of land  
21 because they can't get at that 30 feet -- or 50 feet?

22 So I guess my question to you guys is do you want to  
23 keep it in there and enforce it, or get rid of it with just these  
24 boundary adjustments?

25 COMMISSIONER BOLAND: Get rid of it.

1 That's my opinion.

2 MS. EAGAN: And then --

3 CHAIRMAN EVANS: I would agree.

4 MS. EAGAN: Okay. And then we also

5 realized that in all of our partial extensions, we didn't have

6 anything about the lot width ratio of 1 to 1 or the fact that no

7 lot shall be less than 50 feet in width, and we've had two come

8 through where the width of the lot is only 20 feet. So we would

9 like to add that to all of our partial exemptions in Article 8.

10 So those are the only changes.

11 COMMISSIONER REINHOLD: [Conferring]

12 CHAIRMAN EVANS: That's fairly simple.

13 Any discussion or any other comments?

14 Other than those changes, I think I see only one was  
15 when we took that verbiage out.

16 MS. EAGAN: Are we back to Article ?

17 CHAIRMAN EVANS: Yeah.

18 MS. EAGAN: Where we are deleting animal

19 feeding operation as well as commercial feedlot, is what you guys

20 are proposing.

21 COMMISSIONER HAIRE: Uh-huh.

22 CHAIRMAN EVANS: And I think that was

23 pretty much the only change that we ended up making that wasn't

24 included.

25 Any other discussion of the definitions, Article 7

1 and Article 8? [None]

2 If not, the Chair would entertain a motion to move  
3 this to Old Business.

4 COMMISSIONER SCHULTEHENRICH: So moved,  
5 Mr. Chairman. I make a motion that we move it to Old Business.

6 COMMISSIONER TOBBEN: I'll second that.

7 CHAIRMAN EVANS: We have a motion and a  
8 second to move this file to Old Business. All in favor signify  
9 by saying aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER BOLAND: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 CHAIRMAN EVANS: Opposed? [None]

21 The motion carries.

22 That moves on to File 160024, Planning and Zoning  
23 Department.

24 MS. EAGAN: Sorry, I just did that one. I  
25 did both of them.

1 CHAIRMAN EVANS: I'm sorry.

2 COMMISSIONER HAIRE: Yeah.

3 CHAIRMAN EVANS: I was jumping down to the  
4 bylaws, and that's not even there. So back to Old Business.  
5 File 160024. Any further discussion?

6 MS. EAGAN: Well, I have two separate  
7 files. One is Article 7, 16022, and then Article 8 --

8 CHAIRMAN EVANS: I'm sorry.

9 MS. EAGAN: -- is 160024. I'm sorry. I  
10 went ahead of you. That's my fault.

11 CHAIRMAN EVANS: I did not mark that off.

12 COMMISSIONER WILLIAMS; Did we move File  
13 160022 to Old Business?

14 COMMISSIONER SCHULTEHENRICH: That was the  
15 intent of my motion here, Mr. Chairman.

16 CHAIRMAN EVANS: Okay.

17 So we need to go to File 160024. Any further  
18 discussion? [None]

19 If not, the Chair would entertain a motion to move  
20 this to Old Business.

21 COMMISSIONER SCHULTEHENRICH: If the  
22 motion that was made and seconded was to move the items over to  
23 Old Business. The intent was for both File 160022 and File  
24 160024, both of them, to be moved over to Old Business.

25 CHAIRMAN EVANS: Right.

1 COMMISSIONER SCHULTEHENRICH: Are you  
2 wanting another motion to that extent or something?

3 CHAIRMAN EVANS: I'm guessing it would be  
4 appropriate to move both files at the same time, but we -- we  
5 will. I mean, that's what we'll do.

6 COMMISSIONER SCHULTEHENRICH: If you want  
7 to separate them, I mean, I'll...

8 CHAIRMAN EVANS: No, it will achieve the  
9 same intent, and I don't think Robert's would mind if we do that.  
10 So...

11 COUNTY ATTORNEY VINCENT: It's probably  
12 good.

13 COMMISSIONER SCHULTEHENRICH: Okay.

14 CHAIRMAN EVANS: So we have a motion to  
15 move Files 160022 and 160024 to Old Business.

16 COMMISSIONER HAIRE: Second.

17 CHAIRMAN EVANS: All in favor signify by  
18 saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER CUNIO: Aye.

23 COMMISSIONER WILLIAMS: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER BOLAND: Aye.

1 COMMISSIONER HAIRE: Aye.

2 COMMISSIONER TOBBEN: Aye.

3 COMMISSIONER SCHULTEHENRICH: Aye.

4 CHAIRMAN EVANS: All right. Since we have  
5 already violated Robert's Rules of Order, we'll take File 160022  
6 and 160024. Any further discussion on those? [None]

7 If not, the Chair would entertain a motion to  
8 approve.

9 COMMISSIONER SCHULTEHENRICH: So moved.  
10 I'd make a motion -- I'll make the motion, if nobody else is, to  
11 approve file changes as recommended except under definitions  
12 under Article 2, Definitions, in which we will take out the last  
13 sentence under animal feeding operations. Are you shaking your  
14 head no?

15 MS. EAGAN: No we're deleting animal  
16 feeding operations and commercial feedlots completely.

17 COMMISSIONER HAIRE: Completely, yeah.

18 MS. EAGAN: That's what was discussed.

19 COMMISSIONER SCHULTEHENRICH: Animal  
20 feeding operation in its entirety. Okay. And I'll make a motion  
21 that we approve File 160022 as recommended by the Planning and  
22 Zoning Department with the following change to delete animal  
23 feeding operation in its entirety under Definitions, Article 2.  
24 That's my motion.

25 MS. EAGAN: And commercial feedlots.

1 COMMISSIONER SCHULTEHENRICH: And

2 commercial --

3 COMMISSIONER TOBBEN: There is no

4 commercial feedlots.

5 MS. EAGAN: Right, but that's -- yeah.

6 No, commercial feedlots.

7 COMMISSIONER SCHULTEHENRICH: There is no

8 definition on commercial feedlots in there.

9 MS. EAGAN: Right, but if you're deleting

10 animal feeding operations, we have to delete commercial feedlots.

11 COMMISSIONER SCHULTEHENRICH: Where are we

12 deleting that commercial feedlots from?

13 MS. EAGAN: From Article 2.

14 COMMISSIONER SCHULTEHENRICH: Is there a

15 definition already in Article 2?

16 MS. EAGAN: There's the animal feeding

17 operation.

18 COMMISSIONER SCHULTEHENRICH: Okay. I'll

19 do it with that.

20 CHAIRMAN EVANS: Did you include File

21 160024 also, both files.

22 COMMISSIONER SCHULTEHENRICH: No. Since

23 we made a motion on each file separately, my motion is only for

24 this File 160022.

25 CHAIRMAN EVANS: All right. We have a

1 motion to approve File 160022. All in favor signify by saying  
2 aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER CUNIO: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 CHAIRMAN EVANS: Opposed? [None]

14 Now we're on File 160024. Any further discussion? I  
15 think we made the one change, Scottie?

16 MS. EAGAN: I don't think we made any.

17 COMMISSIONER HAIRE: I think we accepted

18 it as --

19 CHAIRMAN EVANS: We accepted it.

20 CHAIRMAN EVANS: No further discussion on

21 that. Chair would entertain a motion it approve.

22 COMMISSIONER REINHOLD: I motion that.

23 COMMISSIONER SCHULTEHENRICH: Second it.

24 CHAIRMAN EVANS: We have a motion.

25 COMMISSIONER SCHULTEHENRICH: Second.

1 CHAIRMAN EVANS: And a second. All in  
2 favor signify by say aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER CUNIO: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 CHAIRMAN EVANS: Opposed? [None]

14 Motion carried.

15 Okay. We've run out of the files. Preliminary  
16 Plats. We have none.

17 Planning and Zoning Commission Forum. Discussion  
18 regarding the Planning and Zoning Commission bylaws. I think  
19 everybody should have a copy with the changes that we discussed  
20 last meeting.

21 Scottie, do you want to go through those.

22 MS. EAGAN: On page 2 under Proceedings,  
23 we moved Communications and Visitor Comments from number 7 to  
24 number 4. Then we say that the Planning and Zoning Commission  
25 may allow up to five minutes per visitor. I changed the word

1 "of" to "or" at the bottom of page 2.

2 On page 3, I changed the word "shall" to "may" in  
3 the last paragraph before Article 3.

4 And then if you flip it over on page 4, it will now  
5 say, "A Review Committee consisting of the Chairman, Highway  
6 administrator, and one Commission member elected at the annual  
7 meeting for one-year term shall perform the following duties:"

8 And those, I believe, are the only changes. Oh, no,  
9 at the bottom under Commissions options instead of application, I  
10 changed it to applicant, but I believe those were the only  
11 changes suggested at the last meeting.

12 CHAIRMAN EVANS: I did have one comment on  
13 including the five minutes under the comment and communications.

14 That's the same thing we have for public hearings,  
15 but the Commission uses three minutes per comment. And I think  
16 I'd rather be consistent with what the Commission does in their  
17 meeting than having our setup, and I think three minutes should  
18 be enough for people to get their point across, would be my only  
19 comment.

20 Any other comment, discussion? Would everyone agree  
21 with changing that to three minutes rather than five?

22 COMMISSIONER HAIRE: Doesn't make any  
23 difference to me.

24 COMMISSIONER SCHULTEHENRICH: I think that  
25 would be -- if that's your request as Chairman, I think we'd

1 comply with what you're requesting.

2 CHAIRMAN EVANS: All right. Then change  
3 that from five minutes to three, and if there are no other  
4 changes, the Chair would entertain a motion to approve the  
5 changes with the one additional change of moving from five to  
6 three minutes.

7 I don't think we have to move this to Old Business,  
8 do we? No. Do we have a motion?

9 COMMISSIONER SCHULTEHENRICH: I make a  
10 motion, Mr. Chairman, we approve the file as submitted with the  
11 following change, changing three minutes under Communications and  
12 Public Comments from five minutes to three minutes. With that  
13 one change as presented is my motion.

14 COMMISSIONER REINHOLD: I second it.

15 CHAIRMAN EVANS: We have a motion and a  
16 second to approve changes to the bylaws. All in favor signify by  
17 saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER CUNIO: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH: Aye.

3 CHAIRMAN EVANS: Opposed? [None]

4 Motion is carried.

5 Planning Director's Report.

6 MS. EAGAN: I don't have anything for you  
7 today.

8 COMMISSIONER HAIRE: I think we have one  
9 change we should make. Robert Rules of Order would be upheld  
10 when it suits us.

11 CHAIRMAN EVANS: Chairman forgot his book.  
12 Thank you, Commissioner, for bringing that up. Ever lose control  
13 of a meeting?

14 If there is no other business, Chair would entertain  
15 a motion to adjourn.

16 COMMISSIONER BOLAND: So moved

17 COMMISSIONER McLAREN: Second.

18 CHAIRMAN EVANS: All in favor signify by  
19 saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER CUNIO: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN EVANS: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSIONER BOLAND: Aye.

COMMISSIONER HAIRE: Aye.

COMMISSIONER TOBBEN: Aye.

COMMISSIONER SCHULTEHENRICH: Aye.

CHAIRMAN EVANS: Opposed? [None]

Meeting is adjourned.

[Thereupon, the proceedings concluded

at 9:29 p.m.]

o8o

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter  
and Notary Public within and for the State of Missouri, before  
whom the foregoing proceeding was taken, do hereby swear that the  
aforementioned was held at the time and in the place previously  
described.

IN WITNESS WHEREOF, I have hereunto set my hand.

\_\_\_\_\_  
Patsy A. Hertweck, Court Reporter  
Notary Public, State of Missouri

My Commission Expires:  
August 26, 2018