

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

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TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
FEBRUARY 20, 2018  
(Commencing at 7:00 p.m.)

23 Reported by:  
24 Patsy A. Hertweck, C. R.  
25 Alaris Litigation Services

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1                                   A P P E A R A N C E S  
2    PLANNING AND ZONING COMMISSION MEMBERS:  
3                                   William Evans, Jr., Chairman  
4                                   Timothy Reinhold, Commissioner  
5                                   Stanley Voss, Commissioner  
6                                   Ron Williams, Commissioner  
7                                   Todd Boland, Commissioner  
8                                   Dan Haire, Commissioner  
9                                   Tom Tobben, Commissioner  
10   PLANNING AND ZONING STAFF:  
11                                  Ms. Scottie Eagan, Planning Director  
12                                  Ms. Nichole Zielke, Planner  
13   LEGAL COUNSEL:  
14                                  Mark Vincent, County Attorney  
15                                  Mary Zastrow-Hiatt, County Attorney  
16   ALARIS LITIGATION SERVICES:  
17                                  By: Patsy A. Hertweck, C. R.  
18                                  711 North Eleventh Street  
19                                  St. Louis, Missouri 63101  
20                                  (314) 644-2191  
21  
22  
23  
24  
25

1 P R O C E E D I N G S  
2 (FEBRUARY 20, 2018)  
3 CHAIRMAN EVANS: I'd like to  
4 go ahead and call to order the Tuesday, February  
5 20th, of the Franklin County Planning and Zoning  
6 Commission.  
7 Scottie, would you please take roll.  
8 MS. EAGAN: Bill Evans?  
9 CHAIRMAN EVANS: Here.  
10 MS. EAGAN: Jay Schulteheinrich?  
11 COMMISSIONER SCHULTEHENRICH:  
12 (Not present.)  
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: (Not  
19 present.)  
20 MS. EAGAN: Tom Tobben?  
21 COMMISSIONER TOBBEN: Here.  
22 MS. EAGAN: Bill McLaren?  
23 COMMISSIONER McLAREN: (Not  
24 present.)  
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Here.

2 MS. EAGAN: Dan Haire?

3 COMMISSIONER HAIRE: Here.

4 MS. EAGAN: Russell McCreary?

5 COMMISSIONER McCREARY: (Not  
6 present.)

7 MS. EAGAN: And, Ron Williams?

8 COMMISSIONER WILLIAMS: Here.

9 MS. EAGAN: Okay. We have a  
10 quorum.

11 CHAIRMAN EVANS: Thank you.

12 At this time, I'll give the Planning and  
13 Zoning Commissioners the opportunity to declare any  
14 conflict, communication or relationship they may have  
15 had that might influence their ability to consider  
16 today's issues impartially.

17 COMMISSIONER TOBBEN: Mr.  
18 Commissioner, I'm going to have to recuse myself from  
19 File 170264.

20 CHAIRMAN EVANS: All right.

21 The record will reflect that  
22 Commissioner Tobben has recused himself from File  
23 170264.

24 If there are no other declarations,  
25 Scottie, will you please give us the presentation of

1 the meeting procedures and exhibits.

2 MS. EAGAN: Before I give you  
3 any presentation, Mark Vincent actually has something  
4 he wanted to say.

5 COUNTY ATTORNEY VINCENT:  
6 Goodbye.

7 Almost 28 years ago I started doing this  
8 stuff, and that's long enough. So I'm hanging it up.  
9 This is my last meeting. Mary Zastrow is here  
10 tonight from Joe Purschke's office. Some form or  
11 fashion of Joe, Mary shall be handling this stuff.

12 Twenty-seven and a half years is enough  
13 for anybody. I'm not sure how many of these hearings  
14 I've been to over the time, but I'm sure that you  
15 guys are about ready for me to go as much as I'm  
16 ready to go. So -- but anyway. I appreciate the  
17 opportunity to work with you guys. It's just time to  
18 move on to some other stuff.

19 So thank you for letting me work with  
20 you, and good luck. Bye.

21 Mary's here.

22 COMMISSIONER TOBBEN: Thanks,  
23 Mark.

24 CHAIRMAN EVANS: Thank you,  
25 Mark. I was going to wait till later to thank you,

1 but we thank you for your service. We thank you for  
2 the workshops. We thank you for the support and the  
3 guidance.

4 COUNTY ATTORNEY VINCENT: No  
5 problem. I appreciate working with you guys. Now  
6 I'm going to go home. See you.

7 COMMISSIONER TOBBEN: Thank  
8 you. Congratulations.

9 MS. EAGAN: Okay. On to the  
10 procedures.

11 Tonight's Planning Commission meeting  
12 is governed by the Franklin County Unified Land Use  
13 Regulations.

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

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

1 meeting.

2 (Thereupon, evidence was  
3 marked for identification and  
4 presented for the record as  
5 Planning and Zoning Exhibits A, B,  
6 C, and D.)

7 All Old Business items on the agenda  
8 will be dealt with first.

9 Once the Old Business issues have been  
10 taken care of, each item of New Business will be  
11 opened.

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

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

20 When it is your turn to speak, you will  
21 come to the front of the room to address the  
22 Commission and only the Commission, not anyone in the  
23 audience, with your comments.

24 It is possible for the Planning  
25 Commission to decide to move a New Business issue to

1 Old Business and vote on it the same night.

2 At the conclusion of all questions,  
3 comments, and discussion concerning each case, the  
4 Planning Commission will proceed. Any final decision  
5 by the Planning and Zoning Commission concerning  
6 conditional use permits may be appealed to the Board  
7 of Zoning Adjustment any time within 90 days.

8 Applications for such an appeal may be  
9 acquired from the Department offices during normal  
10 business hours.

11 CHAIRMAN EVANS: Thank you.

12 All the Commissioners should have  
13 received a copy of the January 16th minutes. If  
14 there are no corrections or additions, the Chair  
15 would entertain a motion to approve.

16 COMMISSIONER BOLAND: Approve  
17 the minutes.

18 COMMISSIONER HAIRE: I'll  
19 second.

20 CHAIRMAN EVANS: We have a  
21 motion and a second to approve the minutes. All in  
22 favor signify by saying aye.

23 COMMISSIONER REINHOLD: Aye.

24 COMMISSIONER VOSS: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.  
2 COMMISSIONER BOLAND: Aye.  
3 COMMISSIONER HAIRE: Aye.  
4 COMMISSIONER TOBBEN: Aye.  
5 CHAIRMAN EVANS: Opposed?  
6 (NONE)  
7 The minutes are approved.  
8 Old Business. We have none.  
9 Sorry, I skipped over that.  
10 Communication and Visitors Comments.  
11 Anyone wishing to address the Commission?  
12 If not, we'll jump to Old Business,  
13 which we still have none.  
14 New Business. We have none.  
15 Moving down to Preliminary Plats. File  
16 170264 Sam Salamah. Only written comments from the  
17 public may be submitted. No oral testimony will be  
18 accepted.  
19 Let the minutes show that Commissioner  
20 Tobben has removed himself from the Commission.  
21 (Commissioner Tobben stepped  
22 down for File 170264.)  
23 Scottie, will you give us the details.  
24 MS. EAGAN: This is File  
25 170246.

1           The applicant is Salama A. Salamah.  
2   Also known as Sam Salamah.

3           The applicant requests to create an  
4   unsubdivided development with four apartment  
5   complexes and a gas station.

6           The location of the property is at 1300  
7   Highway 100, approximately 900 feet west of Highway  
8   00 in Boles Township.

9           The Facts: The total area for the  
10   development is approximately 9 acres.

11          The zoning of this property is Community  
12   Development.

13          The applicant is proposing to use  
14   approximately 7.2 acres for residential purposes, and  
15   1 acre for commercial.

16          In the Community Development zoning  
17   district, the applicant is allowed to have one  
18   dwelling unit per 5,000 square feet. The applicant  
19   is allowed to have 60 dwelling units on the 7.2-acre  
20   portion dedicated to residential. The applicant is  
21   proposing 54.

22          According to the preliminary plat, water  
23   service and sewer service will be provided by Public  
24   Water District No. 3.

25          A land disturbance permit from DNR is

1 required to disturb more than one acre of land as  
2 well as erosion controls during development.

3 Planning and Zoning has not received any  
4 DNR permit as of 2/20/2018.

5 This property is surrounded primarily by  
6 low-density residential land.

7 This property has access to Highway 100,  
8 which is a state-maintained road.

9 All utilities shall be located  
10 underground.

11 Because of the size of the development,  
12 the applicant shall provide fire protection in  
13 accordance with Article 8, Section 175. Because this  
14 development is located within Boles Fire Protection  
15 District, they will be required to meet the standards  
16 of that district. As of 2/12/2018, Boles Fire  
17 District had not received any water calculations from  
18 the applicant.

19 The stormwater calculations for the  
20 development have been submitted to the Highway  
21 Administrator.

22 This development should be served by a  
23 32-foot hard surfaced road with a 50-foot easement  
24 width. The revised preliminary plat shows the road  
25 as a private 50-foot easement with a pavement width

1 of 32 feet.

2 This development is required to show a  
3 15-foot utility easement along the road, a 10-foot  
4 utility easement on the rear, and a 5-foot utility  
5 easement along the side of the property.

6 Staff Comments: Complete engineering  
7 and construction plans detailing the proposed  
8 improvements should be submitted before final  
9 approval.

10 The Highway Administrator, as of  
11 2/12/2018 had not received information regarding a  
12 traffic study for this development.

13 Prior to recording the final plat,  
14 Planning and Zoning shall receive proof of an  
15 approved access for any access onto Highway 100 or  
16 Highway 00.

17 CHAIRMAN EVANS: Thank you.  
18 So we have several unresolved issues.  
19 Is the applicant present?

20 (NOT PRESENT)

21 Any discussion from the Commissioners?  
22 Dan.

23 COMMISSIONER HAIRE: So what  
24 items are we missing at this point?

25 MS. EAGAN: At this appoint,

1 we don't have anything regarding the traffic study  
2 that Ron was supposed to receive, as well as the land  
3 disturbance permit from DNR.

4 We also did give you guys some e-mails  
5 from the fire district and MoDOT that showed they  
6 also had concerns and had not received anything from  
7 the applicant, but that wouldn't necessarily hinder  
8 the preliminary plat approval. But they also do have  
9 concerns with this development.

10 CHAIRMAN EVANS: And I think  
11 I'm getting up to you have the -- I don't know if  
12 this has been addressed -- the water and the sewer  
13 will be provided by public. We just do we know yet  
14 on the sewer what that he intended?

15 MS. EAGAN: I noticed on the  
16 preliminary plat after I sent that e-mail that there  
17 was a note on the front that said Public Water Supply  
18 District 3 will be providing those services, and I  
19 did talk to Bob , and he said they are providing  
20 that.

21 CHAIRMAN EVANS: So  
22 sewage-wise would be public then?

23 MS. EAGAN: It's going to be  
24 using, from any conversation with him, the Victoria  
25 station's -- no, Victoria Gardens' treatment plant

1 for phase one. I don't know what phase one is with  
2 this development, and I don't know what phase two  
3 will be using, if there is a phase two.

4 CHAIRMAN EVANS: Okay.

5 Any other discussion from the  
6 Commissioners?

7 COMMISSIONER HAIRE: Scottie,  
8 there was one point you made in your memorandum about  
9 adjusting the commercial use for 72.86 acres. Is  
10 that the results?

11 MS. EAGAN: They corrected  
12 that on the revised plat.

13 CHAIRMAN EVANS: Any other  
14 discussion?

15 Obviously we have several open issues  
16 here. So with the -- again, I think as long as all  
17 the Commissioners zoned this as rezoned, so it is a  
18 permitted use in this zoning district, but the  
19 preliminary plat for our approval is contingent on  
20 him providing all the information required in our  
21 regulations, which obviously has not been provided  
22 as yet.

23 So we have the option of tabling this or  
24 denying it, in which case the applicant has 90 days.

25 MS. EAGAN: Yes. If you

1 recommend denial, the applicant will have three  
2 months to fix any issues and resubmit the plat.

3 Before you make a motion, Ron, did you  
4 have a chance to look over the stormwater  
5 calculations? Do those meet our Code?

6 COMMISSIONER WILLIAMS: I'm  
7 sorry. Yeah, I did receive those and I've reviewed  
8 then and it did address all our stormwater  
9 regulations.

10 CHAIRMAN EVANS: Any further  
11 discussion?

12 If not the Chair would entertain a  
13 motion.

14 COMMISSIONER REINHOLD: I make  
15 a motion to table this until further information is  
16 given to us to make a decision.

17 CHAIRMAN EVANS: Do we have a  
18 second?

19 COMMISSIONER HAIRE: I'll  
20 second it.

21 MS. EAGAN: Do you guys want  
22 to put a timeframe on that?

23 CHAIRMAN EVANS: Well, once  
24 it's tabled, it's tabled till it's taken of. So it's  
25 -- it's either tabled or denied. If we denied it, he

1 would have three months maximum.

2 Any other discussion? If not, we have a  
3 motion to table File 170264. All in favor signify by  
4 saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 COMMISSIONER BOLAND: Aye.

9 COMMISSIONER HAIRE: Aye.

10 CHAIRMAN EVANS: Opposed?

11 Nay.

12 All right. Moving then to Planning and  
13 Zoning Commission Forum.

14 MS. EAGAN: I don't -- I think  
15 you still need six to pass it.

16 CHAIRMAN EVANS: To pass it.

17 Is it -- I don't know. I thought it was a majority  
18 of Commissioner present.

19 MS. EAGAN: Let me read it.

20 Mary, can I ask you a question?

21 COUNTY ATTORNEY ZASTROW-HIATT:

22 Yes.

23 MS. EAGAN: When the vote of a  
24 table gets five to one, is it majority of who's  
25 present or majority of the whole Board?

1 COUNTY ATTORNEY ZASTROW-HIATT

2 I was checking.

3 MS. EAGAN: Oh, sorry.

4 CHAIRMAN EVANS: Under --  
5 really this shows it just has a quorum requiring this  
6 action for the Commission to take official action.

7 So I would think that the vote would be  
8 the majority of the Commissions present since that  
9 represents quorum.

10 MS. EAGAN: Okay. It's a  
11 majority of those who voted. So --

12 CHAIRMAN EVANS: Okay.  
13 Commissioner Tobben recused himself, but we're still  
14 six. It would still be a quorum, right. So...

15 COUNTY ATTORNEY ZASTROW-HIATT:  
16 Yes.

17 CHAIRMAN EVANS: All right.  
18 Moving on to Planning and Zoning Commission -- okay.

19 We did the majority to table this. So  
20 there will be no action taken on it, and it will  
21 remain on the table until -- until the applicant  
22 chooses to resurface and come back to the Commission.  
23 But we can take it off the table at any future  
24 meeting as early as next month or as late as we  
25 choose.

1           At which time, when we take it off the  
2 table, we could also choose to approve it or to deny  
3 it at that time. So nothing will happen to it till  
4 at least next month.

5           Now moving on to Planning and Zoning  
6 Commission Forum. Discussion regarding by-laws.

7                           MS. EAGAN: I don't have  
8 anything for you guys. Mark was supposed to do it  
9 and he left. I thought he was still doing it because  
10 he asked what he was supposed to write for you guys,  
11 and I told. He said okay, he'd get to it, but he  
12 hasn't given me anything.

13           So I guess we will pass that on again to  
14 next month and figure out what to do at that point.

15                           COMMISSIONER WILLIAMS: You  
16 know, our by-laws mirror the Board of Zoning  
17 Adjustment pretty closely. And I notice they have  
18 nothing regarding -- in their by-laws, regarding how  
19 they vote or when they vote or anything like that.  
20 Is it just something as simple as we can just take  
21 out the reference to the Roberts Rules of Order and  
22 just leave our by-laws as intact as they are?

23                           MS. EAGAN: Right. BOZA  
24 doesn't have any in there, nor do they have anything  
25 in the regulations about how they are supposed to

1 vote because they want the ability to redo motions  
2 and reword motions to continue the meeting along.

3           So I think the concern from other people  
4 -- Jay I know was worried about how to word motions,  
5 I think and stuff of that nature that Mark was going  
6 to look into, but no, the Board of Zoning Adjustment  
7 doesn't typically get into trouble with how they vote  
8 at their meetings.

9           COMMISSIONER WILLIAMS: The  
10 other thing that I looked at is other counties and  
11 how they have their Planning and Zoning for any  
12 planning -- well, the zoning board's set up. And  
13 they really don't go into detail as to how they're  
14 going -- how the motions are made or anything else.

15           MS. EAGAN: Right.

16           COMMISSIONER WILLIAMS: They  
17 go in the membership. It's sort of like our by-laws  
18 whether in their charter or they're a non-chartered  
19 county, they -- they just have their setups here's  
20 the membership, and here's what your membership is  
21 going to contain.

22           MS. EAGAN: I'm sorry.  
23 Everyone at the door, can you please continue to walk  
24 forward or be quite. We still have a meeting going  
25 on in here. Sorry, Ron, go ahead.

1 COMMISSIONER WILLIAMS: That's  
2 okay.

3 And they outline like we have in our  
4 by-laws, what we already have in our by-laws. So I  
5 don't know what we're so hung up on how we phrase  
6 motions or anything else. To me we just take the  
7 Roberts Rules of Orders out of there. I think we'll  
8 be fine.

9 COMMISSIONER HAIRE: Mary.

10 COUNTY ATTORNEY ZASTROW-HIATT:  
11 Yes.

12 COMMISSIONER HAIRE: I guess  
13 my only question in regards to this subject would be  
14 what do we have to do so -- if in any case that  
15 there's an appeal that we can make sure the motions  
16 were done properly according to any action taken  
17 after things have been approved or not approved?

18 Is there something, guidelines, the next  
19 meeting you give to us in regard to that? I mean,  
20 anything we need to stay away from given Ron's point,  
21 can we keep it loose, but is there anything we need,  
22 guidelines, in doing it to make sure procedurally we  
23 are within the boundaries of making them so no legal  
24 issues going forward?

25 COUNTY ATTORNEY ZASTROW-HIATT

1 Well, I mean, Roberts Rules of Order does give you  
2 that protection that, you know, you have, you have  
3 that to fall back on. But you know, it eliminates  
4 that concern, but it also creates a lot of hassle as  
5 well. Hassle as well.

6 So I would say sticking with Roberts  
7 Rules of Order gives you that protection, if you're  
8 worried about appeals and things like that.

9 You offer a recommendation. So  
10 ultimately they're appealing -- oh, no. I'm sorry.  
11 We're talking about conditional use permits, right?

12 MS. EAGAN: Right.

13 COUNTY ATTORNEY ZASTROW-HIATT:  
14 Never mind. I was worried about rezoning.

15 Then I would say the Roberts Rules of  
16 Order is the best way in staying with that, but I as  
17 you -- BOZA ultimately, like you said, will be using  
18 it. So...

19 CHAIRMAN EVANS: And the  
20 reason this came up because during a discussion and  
21 during a motion, we failed to use Roberts Rules of  
22 Order and then ask for a motion to reconsider, ad  
23 that was included in litigation. And obviously with  
24 our failure to go strictly by Roberts Rules of Order,  
25 we don't come anywhere close to following them as far

1 as getting up and speaking and everything so sit here  
2 in motions and whatever. So this has come up as do  
3 we really need them because we could -- we violate  
4 Roberts Rules of order every meeting we have.

5 COUNTY ATTORNEY ZASTROW-HIATT:  
6 Yeah, then that makes sense not to -- not to use it  
7 if it's not being used right now anyway. Then is  
8 this currently what -- what litigation are you  
9 speaking as to?

10 (CROSSTALK)

11 MS. EAGAN: Meramec Aggregate.

12 CHAIRMAN EVANS: Yeah.

13 COUNTY ATTORNEY ZASTROW-HIATT:  
14 Okay. Yeah. I'm just working on the certificate  
15 myself. I haven't gotten fully involved with that  
16 case yet. I was like getting the documents prepared.  
17 So I'll be honest with you both. I have not  
18 researched the law on it because we haven't had a  
19 hearing on it. But I will, and I mean, it is a  
20 question of whether Roberts Rules of Order was  
21 followed, and that's kind of -- from speaking with  
22 Mr. Kuenzel who represents Meramec Aggregate, that's  
23 the crux of this case, but if it's not being followed  
24 anyway, and BOZA doesn't have that, you guys have to  
25 follow it in your rules -- it's in your rules right

1 now. But if you eliminate it in the rules, I don't  
2 think we have an issue.

3 CHAIRMAN EVANS: Right, and  
4 that was the issue. It would have made no difference  
5 in our decision, but because the motion, the proper  
6 motion, wasn't made to reconsider it, --

7 COUNTY ATTORNEY ZASTROW-HIATT:  
8 Exactly.

9 CHAIRMAN EVANS: -- it  
10 violated Roberts Rules of Order. And I agree with --  
11 kind of agree with Ron. We have very few subsidiary  
12 motions or whatever. It's -- other than to make a  
13 motion or a second.

14 COUNTY ATTORNEY ZASTROW-HIATT:  
15 Yeah. So I mean, it prevents violating Roberts Rules  
16 of Order. It's not required to be in there, and I'll  
17 tell you right ow. I don't know if the law requires  
18 you to have that in there. I don't think so. BOZA  
19 doesn't, but I would have to look into that.

20 CHAIRMAN EVANS: Okay. We can  
21 leave it till next meeting, let everybody think about  
22 it because personally just removing it, we would make  
23 that reference. We will do that.

24 COUNTY ATTORNEY ZASTROW-HIATT:  
25 Exactly. Exactly.

1 MS. EAGAN: Yeah, and then  
2 also if you look at Article 3, Nichole pointed out  
3 that we do go into more detail under Board of Zoning  
4 Adjustment, and how they vote and what the  
5 requirements are for voting with BOZA than we do with  
6 you guys.

7 So if you want to look at that, that's  
8 also another option to amend Article 3 to add more  
9 steps in your voting category, similar to BOZA or  
10 leave yours as is and address it with the by-laws.

11 CHAIRMAN EVANS: Okay. So we  
12 will -- everybody take a look at that. We can come  
13 to a decision next month when we have it on the  
14 agenda.

15 Expiration of Conditional Use Permit  
16 130054 for Dave Hanneken.

17 Scottie, will you give us your detail.

18 MS. EAGAN: Okay. This was a  
19 file, the first file, to go through our expiration  
20 process.

21 On January 5th we wrote Mr. Hanneken a  
22 letter informing him that three conditions had not  
23 been met. We gave him until February 4th to complete  
24 those conditions. He never called our office, never  
25 told us that those conditions have been met.

1                   So we went him another letter on  
2 February 6th indicating that the matter was going to  
3 go before you guys at his meeting to decide whether  
4 or not his conditional use permit approval has  
5 expired.

6                   The conditions we know that he had not  
7 met would be any buildings used in connection with  
8 the CUP would need to be approved by the Franklin  
9 County Building Department. And any -- all new  
10 and/or existing entrances will need to be examined by  
11 MoDOT and we need to receive a copy of that permit.  
12 And then obviously condition number two, all  
13 conditions shall be completed within one year. So...

14                   And this was a conditional use permit  
15 for automotive repair shop.

16                   CHAIRMAN EVANS: Okay.

17                   Is Mr. Hanneken here? If he is not  
18 here, then I can assume that his conditions probably  
19 have not been met.

20                   What is the processes now, Scottie, that  
21 we would choose to do?

22                   MS. EAGAN: You guys would  
23 vote whether or not the permit has in fact expired.  
24 If you vote that it has expired, we'll let him know  
25 that it's no longer valid and he'll need to reapply

1 in order to continue to run his business.

2 CHAIRMAN EVANS: Okay.

3 Personally, I would think that if he has  
4 not appeared to address it, then he was informed I  
5 assume?

6 MS. EAGAN: Uh-huh.

7 CHAIRMAN EVANS: He knew when  
8 the meeting was.

9 Any discussion or comments?

10 (INAUDIBLE DISCUSSION)

11 COMMISSIONER VOSS: My biggest  
12 concern right now is I don't know if the guy -- the  
13 gentleman has received the letter. It seems strange  
14 that he wouldn't be here to protect his interest. So  
15 just off the top of my head, till we know for sure  
16 that he did get notified, in all fairness.

17 CHAIRMAN EVANS: Yeah, we've  
18 had a couple of these where people just don't show up  
19 because they have no intention.

20 Scottie, how was he notified?

21 MS. EAGAN: By mail at the  
22 address he provided us on his application.

23 CHAIRMAN EVANS: Just not  
24 registered, just US mail?

25 MS. ZIELKE: We also contacted

1 him by phone probably a year or so ago, and they said  
2 that the reason why they haven't met all the  
3 conditions was because they weren't sure if they  
4 actually wanted to move their business out there, and  
5 when they applied for their building permit, they did  
6 it as a personal structure rather than a commercial  
7 structure.

8 COMMISSIONER WILLIAMS:  
9 Question. Before getting the letters, did the  
10 letters come back?

11 MS. EAGAN: No.

12 COMMISSIONER WILLIAMS: I  
13 assume they were delivered then.

14 CHAIRMAN EVANS: Any other  
15 questions, comments?

16 Well, we either have the option of  
17 extending this one more month, tabling it, or going  
18 ahead since he hasn't appeared or contacted Planning  
19 and Zoning Department to assume that it is -- move to  
20 the determine it expiring.

21 Scottie, it'd be expired, that would be  
22 the term?

23 MS. EAGAN: Uh-huh.

24 CHAIRMAN EVANS: Looking for a  
25 motion. Commissioner Voss pointed out that he may

1 not have got the letter, so we could postpone this if  
2 you believe that, or we could go ahead and assume  
3 that he does not intend to correct it and did not  
4 show up tonight.

5 So one of those two motions would be  
6 appropriate.

7 COMMISSIONER WILLIAMS: CUP...

8 COMMISSIONER HAIRE: Is the  
9 motion -- so the statement is that to

10 MS. EAGAN: Either to have the  
11 file expire --

12 COMMISSIONER HAIRE: Yeah, so  
13 how do we -- make sure I'm wording that correctly.  
14 That's what I'm looking for, the correct way to state  
15 or the vote.

16 MS. EAGAN: To have have it  
17 expire?

18 COMMISSIONER HAIRE: Okay.

19 MS. EAGAN: Is that what  
20 you're doing?

21 COMMISSIONER HAIRE: Or  
22 confirm the expiration?

23 MS. EAGAN: Yes.

24 COMMISSIONER HAIRE: Okay. To  
25 confirm the expiration of Permit Number 130054, and

1 move for a vote.

2 CHAIRMAN EVANS: That's the  
3 motion?

4 COMMISSIONER HAIRE: That's  
5 the motion.

6 COMMISSIONER TOBBEN: I'll  
7 second that.

8 CHAIRMAN EVANS: We have a  
9 motion and a second that would approve expiration of  
10 Conditional Use Permit 130054.

11 COMMISSIONER REINHOLD: Can I  
12 ask question first?

13 CHAIRMAN EVANS: Not after the  
14 motion has been made, according to Robert Rules of  
15 Order.

16 All right. We have a motion and a  
17 second. All favor signify by saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 CHAIRMAN EVANS: All opposed?

25 (NONE)

1 The motion is carried.

2 Planning Director's report.

3 MS. EAGAN: I don't have much  
4 to tell you guys.

5 We do have our new software up and  
6 running in our department. So we're learning that,  
7 and trying to figure out how it works. We have the  
8 addressing software up and running in our department.  
9 So we are also trying to get that figured out.

10 We have Crystal Holtmeier, who started  
11 today. So she is our new administrative assistant.  
12 She will be taking over for Nichole. So she's going  
13 to kind of have to learn quick because come Thursday,  
14 Nichole will be out for a week or so. And Crystal  
15 will be answering the phone and doing Nichole's job  
16 from then on. So...

17 CHAIRMAN EVANS: Do we have to  
18 be nice to her rather than Nichole?

19 MS. EAGAN: At least starting  
20 out you do.

21 CHAIRMAN EVANS: All right,  
22 thank you.

23 All right. If there's nothing else, the  
24 Chair would entertain a motion to adjourn.

25 COMMISSIONER BOLAND: I will

1 make a motion to adjourn.  
2 COMMISSIONER TOBBEN: Second.  
3 CHAIRMAN EVANS: We have a  
4 motion and a second to adjourn. All in favor  
5 signifying by saying aye.  
6 COMMISSIONER REINHOLD: Aye.  
7 COMMISSIONER VOSS: Aye.  
8 COMMISSIONER WILLIAMS: Aye.  
9 COMMISSIONER BOLAND: Aye.  
10 COMMISSIONER HAIRE: Aye.  
11 CHAIRMAN EVANS: Aye.  
12 COMMISSIONER TOBBEN: Aye.  
13 CHAIRMAN EVANS: Opposed?  
14 (NONE)  
15 We're adjourned.  
16 (Thereupon, the proceedings  
17 concluded at 7:35 p.m.)  
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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, do hereby swear that the aforementioned is a true and accurate transcript, to the best of my ability, of the recorded proceedings as provided to me.

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

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