

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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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING
11 FEBRUARY 21, 2017
12 (Commencing at 7:00 p.m.)

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

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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 Stanley Voss, Commissioner
6 Bill McLaren, Commissioner
7 Ray Cunio, Commissioner
8 Ron Williams, Commissioner
9 Todd Boland, Commissioner
10 Dan Haire, Commissioner
11 Tom Tobben, Commissioner
12
13 PLANNING AND ZONING STAFF:
14 Ms. Scottie Eagan, Planning Director
15
16
17 LEGAL COUNSEL:
18 Mark Vincent, County Attorney
19 MIDWEST LITIGATION SERVICES:
20 By: Patsy A. Hertweck, C. R.
21 711 North Eleventh Street
22 St. Louis, Missouri 63101
23 (314) 644-2191
24
25

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

2 [FEBRUARY 21, 2017]

3 CHAIRMAN EVANS: I'd like to go ahead
4 and call to order the February 21st meeting of the Franklin
5 County Planning and Zoning Commission.

6 Scottie, if you'd please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN: Here.

9 MS. EAGAN: Jay SchulteHenrich?

10 COMMISSIONER SCHULTEHENRICH: Here.

11 MS. EAGAN: Todd Boland?

12 COMMISSIONER BOLAND: Here.

13 MS. EAGAN: Tim Reinhold?

14 COMMISSIONER REINHOLD: [Not
15 present.]

16 MS. EAGAN: Ray Cunio?

17 COMMISSIONER CUNIO: Here.

18 MS. EAGAN: Tom Tobben?

19 COMMISSIONER TOBBEN: Here.

20 MS. EAGAN: Bill McLaren?

21 COMMISSIONER McLAREN: Here.

22 MS. EAGAN: Stan Voss?

23 VOSS: Here.

24 MS. EAGAN: Dan Haire?

25 COMMISISONER HAIRE: Here.

1 MS. EAGAN: Russell McCreary?

2 COMMISSIONER McCREARY: [Not
3 present.]

4 MS. EAGAN: Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Russell McCreary?

7 MS. EAGAN: Okay. We have quorum.

8 CHAIRMAN EVANS: Thank you.

9 At this time, I would give it Planning and
10 Zoning Commissioner the opportunity to declare any conflict,
11 communication or a relationship they may have had that might
12 influence their ability to consider today's issues
13 impartially. There is no declaration.

14 Scottie, would you please give us the
15 presentation of the meeting's procedures and exhibits.

16 MS. EAGAN: Tonight's Planning
17 Commission meeting is governed by the Franklin County
18 Unified Land Use Regulations.

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

25 At this time, I would like to place into the

1 record these Regulations as Exhibit A, the official Zoning
2 Map as Exhibit B, the official Master Plan as Exhibit C, and
3 the case file for each case as Exhibit D for all the cases
4 to be heard at this hearing.

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

9 All Old Business items on the agenda will be
10 dealt with first.

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

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

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

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

23 It is possible for the Commission to decide to
24 move a New Business issue to Old Business and vote on it the
25 same night.

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

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

9 CHAIRMAN EVANS: Thank you.

10 All of the Commissioners should have received a
11 copy of the December 20, 2016 minutes. If there are no
12 corrections or additions, the Chair would entertain a motion
13 to approve.

14 COMMISSIONER CUNIO: I make a motion
15 we approve the minutes of December 20, 2016.

16 COMMISSIONER McLAREN: Second.

17 CHAIRMAN EVANS: We have a motion and
18 a second to approve the minutes of the December 20, 2016
19 minutes. All in favor signify by saying 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: Opposed? [None]

5 The motion is carried. The minutes are
6 approved.

7 Communications, Visitor's comments. Is there
8 anyone present wishing to address the Commission? [None]
9 No.

10 Move on to Old Business. We have none.

11 New Business File 170011, Planning and Zoning.
12 No public comment accepted. Scottie, will you please give
13 us the details.

14 MS. EAGAN: Okay. For the changes in
15 Article 8, a lot of these are just minor changes, things
16 that need to be corrected or things that need to be
17 explained a little more that we realized weren't.

18 So the first change is on page 8.2, under
19 Section 164(G). We added a remnant parcel is something
20 that's exempted as defined in Article 2. So that is an
21 exemption we already have, but it was never put under that.
22 So we felt like it should be there.

23 The next change is on page 8.3(2)c. It says if
24 this property is only on one side of the road, that portion
25 of the road shall be widened to 25 feet from the center

1 line. That is what I'm adding to this, because it used to
2 say that if the property line is along a private road less
3 than 50 feet, extra wide right-of-way shall be dedicated.

4 So it almost made it sound like they needed to
5 get up to 50 no matter if they had property on one side or
6 the other.

7 If you go to page 8.5(j), we are adding this to
8 this partial exemption. We realized we left it out when we
9 made the change in October. So it says if combining
10 existing lots, the plat must be accompanied by a statement
11 from applicable utility providers that the utility
12 easements, if any, are not being changed are not in us.

13 So this is something we used to have, but when
14 we changed the regulations, we forgot to change that over.

15 On page 8.7, Section 166(A)(3), we're deleting
16 that because that's no longer a part of minor subdivision.
17 That is under our partial exemptions.

18 And then if you flip over to 8.8(E), it used
19 to say a 15-foot utility easement on both sides of all
20 rights-of way, whether they are newly created rights-of-way
21 as a result of this subdivision, which didn't make any
22 sense. So we just simplified it to say 15-foot utility
23 easement from private roads and rights-of-way and a it
24 20-foot utility easement along all State-maintained highways
25 or existing publicly-maintained rights-of-way are required.

1 Page 8.9(0), I had the wrong section there. So
2 now it's Article 11, Section 242 used to say 342.

3 On page 8.11, under Section 170, Final Plats,
4 the third -- second to the third line is it used to say one
5 original mylar copy and two paper copies. The Recorder no
6 longer requires mylar copies. So we just do papers. So now
7 it will just say one original and two copies shall be
8 required.

9 On page 8.12, the first change is number 9
10 under letter D. It used to say signature block, but now we
11 are going to say recommended signature block because a lot
12 of our surveyors do have their own certifications that they
13 have been putting on the plats for years that are still
14 okay. They're just not these exact words.

15 So what we realized we did when we change
16 regulations in October to add these signature blocks, is we
17 never included anything for the certification of approval
18 from the Planning Director if it's a non-exempt subdivision
19 that did not create new roads.

20 So what we did on page 8.13(c)(2), we added the
21 certificate of approval for non-exempt subdivisions with no
22 new roads. And that's what they can put on the plat if they
23 have that kind of subdivision.

24 The next change is on page 8.18. It's again
25 the wrong Section number I have for stream buffers. I

1 changed it from 342 to 242.

2 On page 8.25, again it has at to do with the
3 mylar versus paper copies. So we made those changes.

4 And then one thing I realized that I still need
5 to change on page 8.27, again with the signature block,
6 originally I didn't put that new signature blocks in the
7 major subdivision because I was thinking I couldn't think of
8 a situation where you're creating a major subdivision where
9 you don't create a new road, but we did just have one come
10 in recently that had existing roads on all four sides. So
11 they were major subdivisions that didn't create new roads so
12 that you need that signature block as well. So I'm going to
13 add that under 8.27(c). So I'm going to add that there as
14 well.

15 And those are the changes to Article 8.

16 CHAIRMAN EVANS: Any questions or any
17 discussion?

18 COMMISSIONER WILLIAMS: Just one on
19 the signature block or on the certification blocks. How's
20 it determined that whatever they use is okay?

21 MS. EAGAN: However they use what?

22 COMMISSIONER WILLIAMS: Like if they
23 have the road. Is it just because them signing off on it,
24 so there's --

25 MS. EAGAN: If it's similar to ours

1 but not necessarily word-for-word, I'll accept it. But we
2 do have a lot of surveyors out there who have no clue what
3 to put on their plats. So we wanted to have something in
4 here. But we have surveyors like Wunderlich and Cochran
5 have been doing it so long that their certification blocks
6 are very, very similar to what we have but it's not exactly
7 word-for-word.

8 CHAIRMAN EVANS: Any other
9 discussion, questions? [None]

10 If not -- and this goes to the Commission,
11 right, Scottie?

12 MS. EAGAN: Uh-huh.

13 CHAIRMAN EVANS: So the Chair would
14 entertain a motion to...

15 COMMISSIONER TOBBEN: I'll make a
16 motion to approve it.

17 COMMISSIONER McLAREN: Second.

18 CHAIRMAN EVANS: We have a motion and
19 a second to recommend approval of File 170011. All in favor
20 signify by saying aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER CUNIO: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN EVANS: Aye.

1 COMMISSIONER BOLAND: Aye.

2 COMMISSIONER HAIRE: Aye.

3 COMMISSIONER TOBBEN: Aye.

4 COMMISSIONER SCHULTEHENRICH: Aye.

5 CHAIRMAN EVANS: Opposed? [None]

6 Motion is carried.

7 File 177012, Planning and Zoning. No public
8 comment accepted.

9 Scottie.

10 MS. EAGAN: Okay. The changes to

11 this regulation is on the page 11.4. We have been having

12 issues in the past with people arguing with us about our

13 stream buffers, especially for those streams that don't

14 appear on the USGS maps, but appear on our map. We've

15 always required them to have a 30-foot buffer. It turns out

16 that back in the day when they were hand-drawing our maps,

17 they would have mappers go out, and if they would see a wet

18 stream anywhere, they would call it a stream, even if it was

19 a wet patch in the middle of your field that didn't lead to

20 anything, they called it a stream. So I found that out.

21 We realized that we should probable take off

22 the part of our stream buffer where it says that if the

23 streams aren't on the USGS map or the Missouri Interactive

24 maps, they shouldn't have a buffer because they're probably

25 not a stream to begin with.

1 So that's the only change to this regulation.

2 CHAIRMAN EVANS: Any questions or
3 discussions on that?

4 COMMISSIONER WILLIAMS: I got one.

5 CHAIRMAN EVANS: Ron.

6 COMMISSIONER WILLIAMS: Just real
7 quick. Obviously there's regulations concerning waters of
8 the US, which is administered to the Corps of Engineers.
9 They got their own maps.

10 How does that play into this?

11 MS. EAGAN: I mean, the only maps we
12 based ours off of would be the USGS map or the CARES map. I
13 honestly have the hardest time even finding maps what list
14 streams for me.

15 So when I found these two maps and I talked
16 with BFA, their floodplain people, and I talked with
17 Wunderlich, their floodplain people, and they said these are
18 the two most widely used maps that is probably best to base
19 our regulations off that.

20 COMMISSIONER WILLIAMS: Okay.

21 MS. EAGAN: I mean, if you have other
22 ones that are good maps, I would love to see them.

23 COMMISSIONER WILLIAMS: I'm not going
24 to say we have to have buffers for some of these streams or
25 waterways that are termed waters of the US by the Corps now

1 because some of them are just a little weird or obscure, for
2 lack of better terms. I'm not all sure they're right or
3 correct, but they are what they are.

4 I hate to miss something if we need a buffer on
5 that or something.

6 MS. EAGAN: I was thinking about
7 getting a little deeper into these regulations about maybe
8 doing it in a way of if a stream connections to, you know,
9 another stream, it's classified as this. If it connects to
10 two other streams, it's classified as this. That way when
11 we have these random 20-foot lines on our mapping system
12 that we use at work that don't go into a lake, don't go into
13 a river or another stream, obviously those probably aren't
14 anything we need to worry about having a buffer on them.
15 But if it's connected to another stream or another larger
16 bodied water, that's something we should probably be
17 considerate of.

18 COMMISSIONER WILLIAMS: Okay.

19 COMMISSIONER HAIRE: I think there's
20 court action right now by several ranching associations in
21 NFIB which are a number of filed lawsuits that are pending
22 in the field. So I think this will probably be defined, and
23 it'll probably be year or more before it happens.

24 COMMISSIONER CUNIO: On the waters of
25 the US designation, right.

1 COMMISSIONER HAIRE: Yeah. Uh-huh.

2 COMMISSIONER CUNIO: Yeah, the
3 federal government would like to designate everything waters
4 of the US, regardless of where it is, every drop of water.

5 COMMISSIONER HAIRE: Yeah.

6 CHAIRMAN EVANS: Any further
7 discussion, comments?

8 Scottie, you said you were going to go ahead
9 and look further. Or do you want to go ahead and approve
10 this as it is?

11 MS. EAGAN: We need to go ahead and
12 change the regulations now, and I can keep doing research
13 and see -- see what other people do. But I think right now
14 we need to get it out of the regulations so we can stop
15 enforcing it on these little 20-foot lines on our mapping
16 system that lead to nowhere

17 CHAIRMAN EVANS: Okay. In that case,
18 again, this would be a recommendation to the Commission to
19 make the changes in the Land Use Regulations.

20 If there is no further discussion, the Chair
21 would entertain a motion.

22 COMMISSIONER McLAREN: I make a
23 motion that we refer it to the Commission for approval.

24 COMMISSIONER CUNIO: Second.

25 CHAIRMAN EVANS: We have a motion and

1 a second to approve File 170012 for approval. All in favor
2 signify by saying aye.

3 COMMISSIONER VOSS: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER CUNIO: Aye.

6 COMMISSIONER WILLIAMS: Aye.

7 CHAIRMAN EVANS: Aye.

8 COMMISSIONER BOLAND: Aye.

9 COMMISSIONER HAIRE: Aye.

10 COMMISSIONER TOBBEN: Aye.

11 COMMISSIONER SCHULTEHENRICH: Aye.

12 CHAIRMAN EVANS: Opposed? [None]

13 Motion is carried.

14 Preliminary Plats. We have none.

15 Planning and Zoning Commission Forum.

16 Discussion regarding minor modifications to CUP 130030,
17 Robert Dix. You all should have received that in your
18 packet the request for the change and also a letter from the
19 applicant.

20 Any discussion?

21 COMMISSIONER HAIRE: Well, I should
22 competitive column. Events do have alcohol under restricted
23 on the events. I don't know of the two other clubs that
24 offer alcohol members on an on-going basis, but they do have
25 events where alcohol is present. So I think we have to see

1 how that's defined because and I know the one charity that
2 I'm involved in, it's all delivered, all the beer and
3 everything, to the event. There is no charges or anything
4 for it. So I just need to understand the parameters of
5 having that occur, but there are -- I know several of these
6 events -- half of these events alcohol is consumed under a
7 controlled circumstances. Several places they do bands.
8 Once the band is cut off, you can't shoot anymore.

9 CHAIRMAN EVANS: I would agree. I
10 think this is one case just because of liability issues that
11 the owners would be self-pleasing themselves.

12 COMMISSIONER BOLAND: I guess my only
13 question is it's been three years. So you know, they made
14 it this long, so now all of a sudden we need to change it
15 just to increase that. I don't know. I get their point,
16 and I'm, you know, and I understand other places do it, but
17 this was, you know, at the time.

18 COMMISSIONER SCHULTEHENRICH:
19 Mr. Chairman, I just would --

20 Scottie, are you aware of any complaints that's
21 been issued or received from your office?

22 MS. EAGAN: We have never received
23 any complaints regarding Top Gun.

24 COMMISSIONER SCHULTEHENRICH: Okay,
25 thank you.

1 CHAIRMAN EVANS: Now I do have a
2 questions. Is -- are they present?

3 MS. EAGAN: They are.

4 CHAIRMAN EVANS: If you could come
5 up. I just have a question for clarification.

6 MR. STAN DIX: Yes, sir.

7 CHAIRMAN EVANS: If you'd state your
8 name and address.

9 MR. DIX: Yes. My name is Stan Dix.
10 Top Gun Sportsman's Club at 4273 Highway 47 in Lonedale.

11 CHAIRMAN EVANS: Do you have multiple
12 events going out there at the same time?

13 MR. DIX: No, not generally.
14 Corporate events are generally booked one at a time

15 CHAIRMAN EVANS: Okay. Do you sell
16 -- you talked about your club members. Do you sell daily
17 memberships?

18 MR. DIX: We do have guest passes.
19 We'll do promotional things just trying to build membership
20 just to get us -- to get our name out there because we are
21 not sold out at this time. But we're generally not open to
22 the public facility. We do have -- we have a membership.
23 We offer the members the ability to bring guests, and from
24 time to time we'll do like a day pass promotion to try get
25 people out or a trial membership. But other than that, it

1 would be corporate events and fundraisers. We also offer a
2 -- we'll have smaller packages where, you know, a company
3 can bring out, you know, five or six clients and shoot
4 around of sporting clays, things of that nature.

5 CHAIRMAN EVANS: Any request for the
6 alcohol would be for events, not individual customers?

7 MR. DIX: Correct. The only addition
8 to that besides just outside of a corporate event or a
9 fundraiser type thing is social events where we throw like a
10 Christmas party or event, something like that, for our
11 members.

12 I don't see any case where, you know, a member
13 would want to come out and shoot a round and sit on the deck
14 by themselves and have a beer or something like that. No.

15 CHAIRMAN EVANS: Okay.

16 MR. DIX: We do have members that
17 will come out and fish for the afternoon and things like
18 that. So I --

19 CHAIRMAN EVANS: So I guess that'd be
20 my question or concern is that all shooting would be done
21 before any alcohol is served --

22 MR. DIX: Oh, absolutely. Yes,
23 absolutely.

24 CHAIRMAN EVANS: -- anywhere.

25 MR. DIX: Yeah, and that would be

1 just as we've enforcing the rules as you guys had set forth
2 you know, in 2013, that would be part of our policy as well.
3 And absolutely no, you know, shooting of any kind once any
4 alcohol had been consumed.

5 CHAIRMAN EVANS: Okay. From anyone?

6 MR. DIX: Correct.

7 CHAIRMAN EVANS: That would be my
8 concern. You have a group over here, and then you have a
9 few people over here. Well, how do you -- these guys a
10 drinking beer, and these guys are still shooting.

11 MR. DIX: Right, yeah.

12 CHAIRMAN EVANS: And that wouldn't
13 happen. So no alcohol while there's any shooting?

14 MR. DIX: Right. And you know, as
15 was mentioned earlier, and this is something that as a
16 business owner liability is obviously very important to us.
17 So it's something that we would be, you know, very cautious
18 of and make sure that we're policing that very well.

19 I -- like I said, I don't see it a case where
20 somebody's just going to be -- be out and sitting there
21 drinking all day and then wanting to go shooting. That's
22 not the case at all. Mainly for the corporate events and
23 social gatherings, things like that.

24 CHAIRMAN EVANS: Okay. Bill.

25 COMMISSIONER McLAREN: You're not

1 asking for a liquor license?

2 MR. DIX: Oh, no.

3 COMMISSIONER McLAREN: You're not
4 going to be selling liquor by the grill there?

5 MR. DIX: No, no. Not at all.

6 COMMISSIONER McLAREN: So it would be
7 whoever your corporate client is would have permission for
8 them to bring --

9 MR. DIX: Uh-huh.

10 COMMISSIONER McLAREN: -- in the
11 alcohol and there's no sales. So there's no picnic license?

12 MR. DIX: Correct.

13 COMMISSIONER McLAREN: Nothing like
14 that?

15 MR. DIX: Yeah. For example, we had
16 a bank last year that wanted to bring in 40 people, and it
17 was all their clients, and they do a sporting clay event.
18 We had it catered in, and then they wanted to have, you
19 know, beer during the awards and banquet and things like
20 that. And we did lose one of them to a competing, you know,
21 range because of that reason. I almost lost a big church
22 group that was 47 shooters. I was able to convince them to
23 hold the awards banquet at a later time at the church. So
24 it's -- you know, our facility is a very specialized. It's
25 almost like a country club environment. So it's kind of

1 like the, you know, shoot a round of golf and go the 19-hole
2 [sic] scenario. So just trying to be able to compete with,
3 you know, the other facilities like ours.

4 COMMISSIONER McLAREN: The HBA does
5 this every year, and that's exactly the way that they do it.

6 MR. DIX: Yeah.

7 COMMISSIONER McLAREN: They do it at
8 the St. Louis Gun Club out in St. Louis County.

9 MR. DIX: Right. And that's -- --
10 that's the Home Builders Association. St. Louis Auto
11 Dealers Association, I shoot at one -- the Joshua chain go
12 and shoot for the troops, and that's the same thing. It's
13 all -- Anheuser-Busch sponsors all the beer and things like
14 that.

15 So it's just hard to compete with, you know,
16 with those other clubs that don't have that restriction.

17 CHAIRMAN EVANS: Okay.

18 Any other questions?

19 COMMISSIONER SCHULTEHENRICH: Just
20 for clarification.

21 CHAIRMAN EVANS: Jay.

22 COMMISSIONER SCHULTEHENRICH: Just
23 for clarification purposes. Is this going to be then
24 these -- are you going to become part of the -- an amended
25 CUP? Is that what would take place on there, Scottie?

1 MS. EAGAN: Yeah, if you guys vote to
2 amend it, we would do an amended CUP.

3 COMMISSIONER SCHULTEHENRICH: Okay.
4 That'll be fine.

5 CHAIRMAN EVANS: That was my question
6 too since we were talking about minor modification, if we
7 still had to vote on that since the CUP was approved?

8 MS. EAGAN: Yes, the minor
9 modifications come before you all to vote on and make those
10 changes.

11 CHAIRMAN EVANS: All right. So we
12 would have to have this put on the agenda then.

13 MS. EAGAN: No. I mean, it's already
14 on the agenda for you to make that motion. Correct, Mark?

15 COUNTY ATTORNEY VINCENT: Yes.

16 MS. EAGAN: Yeah.

17 CHAIRMAN EVANS: All right. So
18 you -- it doesn't have to be under business even though it's
19 under --

20 MS. EAGAN: Because it doesn't to
21 have a public hearing. It just has to be on the agenda.

22 CHAIRMAN EVANS: Okay. That's what I
23 wanted to know.

24 Any other discussion? If not --

25 COMMISSIONER BOLAND: I just have one

1 question.

2 CHAIRMAN EVANS: Todd.

3 COMMISSIONER BOLAND: So if I come out
4 there and I'm shooting a round and we finish up, you don't
5 have an icebox full of beer?

6 MR. DIX: Yeah. Yeah, no. This
7 would be something that the members or the corporate that
8 would bring themselves.

9 COMMISSIONER BOLAND: So as an
10 individual, can I bring a cooler?

11 MR. DIX: If -- if that's something
12 you guys allow. It is something that --

13 COMMISSIONER BOLAND: Well, I guess
14 that's just all I'm asking, is --

15 MR. DIX: Yeah.

16 COMMISSIONER BOLAND: -- you know, I
17 mean, I've been to Little Norm's, and I --

18 MR. DIX: Correct.

19 COMMISSIONER BOLAND: And I really
20 don't even how they do it there honestly in regards to
21 alcohol. So -- so that's all I'm saying, is you know, if
22 you've got four or five guys coming in and you're not
23 providing an icebox full of beer --

24 MR. DIX: Correct.

25 COMMISSIONER BOLAND: -- then I need

1 to bring the cooler in, that's what you're telling me?

2 MR. DIX: Right. And that's what --
3 for example, for when it's not been a corporate event, we
4 had a member that brought out a couple of guests to shoot a
5 round of clays, and these guys are competitive sporting clay
6 shooters. They shoot at clubs all across the state, and you
7 know, when they had got done, you know, they said, hey, if
8 it's okay, we're going to sit out on the deck and overlook
9 the lake and have a few brandies and cigars. I'm like, no,
10 no can't do that.

11 So that's the type of scenario, you know, that
12 we run into with a smaller groups.

13 COMMISSIONER BOLAND: And that's just
14 what I want to make sure we're clarifying that --

15 MR. DIX: Uh-huh.

16 COMMISSIONER BOLAND: -- so down the
17 road somebody says, well, you know, the guys were sitting
18 around with a cooler and --

19 MR. DIX: Okay.

20 COMMISSIONER BOLAND: You know, that
21 everybody understands that's what we're doing.

22 MR. DIX: Right. And it would be --
23 yes, you are correct. There would be no -- we would not be
24 serving alcohol. What I would be getting at, you know, if
25 it was allowed for the smaller groups or for the individual

1 members, it would be in our club rules and you know,
2 enforced by our management and staff out there that, you
3 know, if a member was to come out and shoot a round of
4 sporting clays, and then want to sit down on the dock and
5 fish and have a beer, that that'd be fine, but there would
6 be absolutely no shooting after that.

7 So -- And that is just a -- it's a commonsense
8 range etiquette, but it's something that we'd have in our
9 rules.

10 COMMISSIONER BOLAND: Some don't have
11 that.

12 MR. DIX: Yeah.

13 COMMISSIONER HAIRE: Yeah, I was
14 going to say. My only concern is we get two to a small
15 group, it's very difficult to control at that point.

16 MR. DIX: Uh-huh.

17 COMMISSIONER HAIRE: It's as good as
18 the member's obeisance of the rules. I mean, once the clay
19 pops out you're going to shoot at, I mean, we don't want to
20 see any alcohol at any time other than events.

21 MR. DIX: Uh-huh.

22 COMMISSIONER HAIRE: And then events
23 then are controlled very tightly.

24 MR. DIX: Sure.

25 CHAIRMAN EVANS: Yeah, that's why I

1 asked before about the day memberships.

2 MR. DIX: Uh-huh.

3 CHAIRMAN EVANS: If you have somebody
4 just coming out there for one day, brings a cooler, you
5 don't know them. They don't know the rules.

6 MR. DIX: Correct.

7 CHAIRMAN EVANS: Bill.

8 COMMISSIONER McLAREN: Would it be
9 detrimental to your business or your sales if we said yes we
10 would approve this -- I'm just speaking speculatively
11 here --

12 MR. DIX: Sure.

13 COMMISSIONER McLAREN: If we would
14 approve this but only for corporate events and not allow for
15 your individual members to bring coolers. That seems like a
16 harder situation to manage to me.

17 MR. DIX: Uh-huh. I don't see that
18 as being a problem. I would imagine I would have some
19 members that are there for fishing and things like that to
20 say, you know, I'm a member and I can't bring a beer to sip,
21 you know, on the dock.

22 COMMISSIONER McLAREN: And this
23 happened before I came onto this -- the Commission.

24 How large, how big of a track of ground is it?

25 MR. DIX: Around 214 acres. Our

1 membership is limited to 250 members.

2 COMMISSIONER McLAREN: How many do
3 you have now?

4 MR. DIX: We have just right at a
5 hundred. I would say on a --

6 COMMISSIONER McLAREN: How far is the
7 shooting range separated from the lake and how much of those
8 kinds of --

9 MR. DIX: The rifle range is behind
10 the lake. The sporting clays course is probably a half
11 mile. So there -- you know, it's a pretty good -- pretty
12 good distance. I would not see -- I would not see a
13 scenario where somebody would say I'm going down the pistol,
14 you know, base to shoot and grab a beer, right.

15 I just couldn't see that as being the scenario
16 at all.

17 TOP GUN MANAGER: [Inaudible] Sorry,
18 I'm the manager.

19 MR. DIX: It's more along the lines
20 of people shooting a round the sporting clays, which is like
21 we have described years ago, similar to golf. So people are
22 going to shoot a round of clays and sit back and enjoy.

23 The other thing that's different from our
24 facility from just a regular outdoor shooting range is we're
25 more of a day destination. People come out for the day.

1 They shoot. They'll come up, have lunch, barbecue, fish,
2 things like that. So there's a lot of other amenities than
3 just going to, you know, a rifle range.

4 CHAIRMAN EVANS: Having been out
5 there, it's a hike from one location to other location, and
6 the buildings are all on one side of the lake up close to
7 where you come in, and the lake is right there.

8 And then rifle range is here. Sporting clays
9 are over here. The pistol range is over here. I mean,
10 hundreds and hundreds of yards away, and all facing away
11 from the lake..

12 MR. DIX: One of the things with the
13 type of facility we run, our members actually check-in at a
14 clubhouse before they go out for the day. So they're given
15 a golf cart, walkie-talkie, they sign waivers, things like
16 that before they go out on the proper. So you wouldn't have
17 a scenario where somebody's just driving onto the property
18 going down to the ranges where we're not -- where we don't
19 know, you know, what they're doing or who they are. So...

20 COUNTY ATTORNEY VINCENT: Bill, may I
21 make a suggestion?

22 CHAIRMAN EVANS: Sure.

23 COUNTY ATTORNEY VINCENT: This is --
24 normally we don't get involved in private regulations,
25 especially in subdivisions, but this is more of an activity

1 type thing, and we can require regulations and rules.

2 What would happen if -- I think you all said
3 you already have rules.

4 MR. DIX: Oh, yeah.

5 COUNTY ATTORNEY VINCENT: What would
6 happen if you said okay, guys, you've got this -- whatever
7 you guys want them to do, include in their rules or have
8 them bring back a set of rules to you all next month so that
9 you can attach a set of the rules to the conditional use
10 permit.

11 COMMISSIONER BOLAND: You know, Mark,
12 I don't have a real problem with this. I was just asking,
13 making sure we all are on the same page. For us -- for him
14 to go to that point and come back with us for rules and then
15 who's going to police the rules. So he's got to do it
16 himself.

17 COUNTY ATTORNEY VINCENT: Yeah.

18 COMMISSIONER BOLAND: Because then I
19 think there hasn't been any problems in three years. All I
20 was doing was trying to clarify.

21 COUNTY ATTORNEY VINCENT: What I'm
22 hear though, Todd, is Bill saying corporate and you said
23 individuals.

24 COMMISSIONER BOLAND: Well, I just
25 wanted to make sure that we all knew -- yeah, there's going

1 to be a guy out there or six guys that may bring a cooler,
2 and it's, you know, the Franklin County Commission Board,
3 you know.

4 COUNTY ATTORNEY VINCENT: Right.

5 COMMISSIONER BOLAND: So that's a --
6 that's all I'm saying.

7 COUNTY ATTORNEY VINCENT: That's
8 fine. Which way you going to do it, individual or not?

9 COMMISSIONER BOLAND: I think
10 individual is fine.

11 COUNTY ATTORNEY VINCENT: Bill says
12 no.

13 COMMISSIONER McLAREN: Well, I just
14 said I was more comfortable. But I think there's a
15 different way to do this too. If we can -- if we by the
16 attorney's suggestion, if we can say okay, we're good with
17 the whatever, but what we're not good with is alcohol at any
18 of the shooting ranges, that it has to be consumed at the
19 lake or the clubhouse or whatever after that group is done
20 shooting for the day.

21 COMMISSIONER SCHULTEHENRICH: But you
22 wouldn't have that on there, Bill, because he's already said
23 that there's no alcohol being drunk during the event. Okay?

24 MR. DIX: Right.

25 COMMISSIONER SCHULTEHENRICH: So you

1 wouldn't have beer out on those -- on those ranges, et
2 cetera on --

3 COMMISSIONER McLAREN: Maybe I'm not
4 a shooter and I want to carry the beer down there and watch
5 my buddies shoot.

6 COMMISSIONER HAIRE: There's a differ
7 club for that.

8 COMMISSIONER SCHULTEHENRICH: I'd be
9 more concerned if it was the general public having the means
10 of coming on there. These are going to be members that you
11 have a control over. Okay. So and I walked the property as
12 well, and it lays out very nicely, Bill.

13 COMMISSIONER McLAREN: Okay.

14 COMMISSIONER SCHULTEHENRICH: It's
15 really an ideal place for this type of a setting out there.
16 The drinking is going to occur at the clubhouse in all
17 likelihood. I mean, 99.9 percent of time I believe it will.
18 Okay. But I think, you know, Black Hawk does the same
19 thing. They have signs up out there "No drinking before
20 shooting", "No drinking", you know, and all that.

21 So they regulate, and I'm sure they -- there's
22 no complaints right now. I'm sure you'll be monitoring your
23 members pretty closely in that regards.

24 MR. DIX: Absolutely.

25 COMMISSIONER SCHULTEHENRICH: So I

1 think it'd a -- I think it's fair what they're here
2 proposing to us.

3 COMMISSIONER McLAREN: And I'm not a
4 -- I'm with Todd. I'm not objecting to it at all. I'm just
5 having a conversation.

6 COMMISSIONER SCHULTEHENRICH I
7 understand.

8 CHAIRMAN EVANS: Now, what they're
9 requesting is that under 7, there shall be no alcohol on the
10 premises at any time to be drunk. So obviously we'd have to
11 modify that to begin with, but they did supply, you know, on
12 page 2 of what they submitted. Alcohol will only be
13 available to guests once the shooting portion of the event
14 has been completed. Firearms must be unloaded prior to
15 alcohol being served at the event. At no time, without
16 exception, would guests be allowed to take place -- I think
17 it's part -- in a shooting activity once alcohol has been
18 consumed. Excessive alcohol consumption would not be
19 tolerated, and the Sportsman's Club would not serve or sell
20 alcohol.

21 Mark, as far as the rules you mentioned, I
22 think those would be good there other than maybe, you know,
23 excessive alcohol consumption would not be tolerated.
24 That's super-subjective right there probably.

25 COUNTY ATTORNEY VINCENT: I'm not

1 trying to cause anybody any problems or anything. what is
2 the event? That's not defined. The one that you mentioned
3 before, Todd, about a guy going down there wanting to fish
4 or something. Is that an event? So are we going to sit
5 here and try to dictate those or they have their own rules.
6 That's all I was suggesting.

7 CHAIRMAN EVANS: Right. And that's
8 why I was -- those were the ones they submitted. Are those
9 complete enough?

10 COUNTY ATTORNEY VINCENT: I'm looking
11 out for him. I see that this thing has not had any
12 problems, but I don't want somebody coming in and saying,
13 well, these people are down there shooting, so I'm going to
14 cause them a big problem as I can by being very fine and
15 what is or is not a violation. But you can't control
16 people. People sometimes are jerks, and if you get somebody
17 mad at you down there, there's no telling what they'll do.
18 But I would not want you all to define an event so narrowly
19 that you can't take a cooler of beer down to fish. There's
20 nothing in there that mentioned that.

21 That's all. I was just trying to give him the
22 ability to -- the club to enjoy the use like they're doing
23 and have been doing without any problems.

24 COMMISSIONER WILLIAMS: I would be
25 comfortable just removing the condition for two reasons.

1 Number one, your insurance company, I'm sure, is going to
2 have a say so in what happens there.

3 MR. DIX: Yeah.

4 COMMISSIONER WILLIAMS: Be very
5 thankful you're not going to allow alcohol consumption
6 during shooting events, you know, that sort of stuff.

7 And secondarily is, I don't know what you can
8 put on there that would be policed very honestly. How you
9 going to police something like that on the property? I
10 mean, I think that it's self-policing.

11 MR. DIX: Yes, we -- we have to.
12 That's just -- that's our responsibility to our members and
13 guests and staff, you know. So...

14 CHAIRMAN EVANS: I mean, I pretty
15 much have to agree, that's probably the first thing I said
16 because the liability issue.

17 MR. DIX: Uh-huh.

18 CHAIRMAN EVANS: In this case,
19 self-policing. It'd be impossible to put -- you'd have to
20 go get a golf cart -- I don't know if you put anything on
21 it.

22 If you want to take a half pint in your pocket,
23 nobody is going to be able to stop you anyway. If you've
24 been out there and see how this was set up, you're not going
25 to sneak it on unless it's in your pocket.

1 MR. DIX: That's just something also
2 with our members. I mean, we have strict rules that they
3 have to abide by, and you know, I have one member that was
4 not being safe, and that member is no longer part of the
5 club, you know. It's just we have to run a safe
6 environment. So we will make sure that it's taken care of
7 and run right.

8 CHAIRMAN EVANS: Again, we can over
9 define it, like Mark said, you know, how are we going to
10 define an event? How are we going to define this? How do
11 we define that? I don't think we need to define it at all.

12 COMMISSIONER McLAREN: So my question
13 not knowing how we've done this before, how do we make a
14 motion to move this forward? Does this go back to Old
15 Business or how does this work?

16 MS. EAGAN: You would just make a
17 motion however you want it.

18 CHAIRMAN EVANS: We just make a
19 motion and approve or deny.

20 MS. EAGAN: You want to make a motion
21 to remove that No. 7?

22 MR. DIX: Number seven.

23 MS. EAGAN: Remove condition 7 from
24 the Conditional Use Permit of this file. Then you vote on
25 it, and I would amend the Conditional Use Permit, and have

1 Bill sign it and re-sent out.

2 COMMISSIONER McLAREN: I would make
3 that motion to remove Item 7 from the CUP as it exists.

4 COMMISSIONER WILLIAMS: I will second
5 that motion.

6 COMMISSIONER VOSS: I have one
7 question upon this. By allowing the alcohol on there now,
8 which I don't have a problem with at all, are we opening the
9 door that he can then get his liquor license without...

10 CHAIRMAN EVANS: Not without coming
11 back to us.

12 COMMISSIONER VOSS: Okay, that's my
13 question.

14 CHAIRMAN EVANS: Yeah, so we'd --
15 because it is a CUP, there are -- we have other restrictions
16 on there. So he would have to come back to us. Right,
17 Scottie?

18 MS. EAGAN: I don't think -- I think
19 if you remove the condition of the alcohol, there's nothing
20 saying --

21 COMMISSIONER HAIRE: Stopping him.

22 MS. EAGAN: Right. If there's
23 nothing stopping him at that point.

24 COUNTY ATTORNEY VINCENT: Well, yeah,
25 there are, but not us.

1 MS. EAGAN: Right, not for the
2 Conditional Use Permit. Sorry.

3 COUNTY ATTORNEY VINCENT: State
4 regulation it's up to.

5 CHAIRMAN EVANS: All right. We have
6 a motion and a second to approve removing Item Condition 7
7 from Conditional Use Permit 130030. All in favor signify by
8 saying aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER CUNIO: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER BOLAND: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER SCHULTEHENRICH: Aye.

18 CHAIRMAN EVANS: Opposed? [None]

19 Motion is carried.

20 MR. DIX: Thank you very much.

21 Appreciate it.

22 CHAIRMAN EVANS: Planning Director's
23 Report.

24 MS. EAGAN: I believe next month we
25 only have one file on the agenda, which is Robert Muckler

1 out on 00. I don't know if any of you are receiving any
2 phone calls about that.

3 COMMISSIONER HAIRE: Yeah.

4 MS. EAGAN: So he wants to be on the
5 agenda for March, but we still have the special events,
6 special occasion permit regulations up in the air.

7 The County Commission had that public hearing
8 two weeks ago. So if they make their decision before that
9 meeting, it's possible we won't have that meeting because it
10 would be a permitted use. So...

11 COMMISSIONER HAIRE: Did they do a,
12 smaller tract, if I remember, on that?

13 MS. EAGAN: Yeah, about ten acres
14 that they rezoned. So now they're coming to you with the
15 CUP potentially.

16 COMMISSIONER McLAREN: Is it fair to
17 ask a question about in general but maybe related to that?

18 MS. EAGAN: Right.

19 COMMISSIONER McLAREN: So if we said
20 in our new ability to let you issue a permit for up to
21 300 -- a 300-person event, and I'll use what we just talked
22 about here. If there's two events going on at the same time
23 at the same location and one is 175 and one is 150, is that
24 two less than 300-person events, or is that one 325-person
25 event? I think that's kind of important in the spirit of

1 what 300 people is.

2 CHAIRMAN EVANS: Well, since it's out
3 of here, that's the Commission's issue now anyway. So...

4 MS. EAGAN: I mean, I never thought
5 of it. To me, there would only be one at a time. I imagine
6 300 people at the facility as being no matter how many
7 events there, 300 people is what I envisioned.

8 COMMISSIONER TOBBEN: That's the way
9 I had envisioned it too, Bill, is 300 on the premise.

10 COMMISSIONER McLAREN: That's what I
11 envisioned it also, but as we talk -- just talking about
12 this, if there's two events going on at the same time, then
13 we got somebody defining events.

14 CHAIRMAN EVANS: Yeah. Otherwise,
15 you could skirt rules by having 10 events with 50 people
16 there.

17 COMMISSIONER HAIRE: Lawyers
18 [inaudible].

19 MS. EAGAN: I don't have anything
20 else.

21 CHAIRMAN EVANS: That's it?

22 If there is nothing else, the Chair would
23 entertain a motion to adjourn.

24 COMMISSIONER McLAREN: I can make a
25 motion to adjourn.

1 COMMISSIONER BOLAND: I'll second
2 that.

3 CHAIRMAN EVANS: We have a motion and
4 a second to adjourn. All in favor signify by saying aye.

5 COMMISSIONER VOSS: Aye.

6 COMMISSIONER McLAREN: Aye.

7 COMMISSIONER CUNIO: Aye.

8 COMMISSIONER WILLIAMS: Aye.

9 CHAIRMAN EVANS: Aye.

10 COMMISSIONER BOLAND: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 COMMISSIONER SCHULTEHENRICH: Aye.

14 CHAIRMAN EVANS: Opposed? [None]

15 We're adjourned.

16 [Thereupon, the proceedings concluded
17 at 7:42 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,
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

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