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FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

PUBLIC MEETING
MAY 19, 2015
(Commencing at 7:00 p.m.)

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

PUBLIC MEETING 5/19/2015

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16 not be attached hereto.)

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

2 BOARD OF ADJUSTMENT 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 Dan Haire, Commissioner

11 Russell McCreary, Commissioner

12 PLANNING AND ZONING STAFF:

13 Ms. Scottie Eagan, Planning Director

14 Ms. Nichole Zielke, Administrative Assistant

15 LEGAL COUNSEL:

16 Mark Vincent, County Attorney

17

18 MIDWEST LITIGATION SERVICES:

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

20 711 North Eleventh Street

21 St. Louis, Missouri 63101

22 (314) 644-2191

23

24

25

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

2 (May 19, 2015)

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

6 Scottie, will you please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: 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: Here.

15 MS. EAGAN: Ray Cunio?

16 COMMISSIONER CUNIO: Here.

17 MS. EAGAN: John Fischer?

18 COMMISSIONER FISCHER: (Not present.)

19 MS. EAGAN: Bill McLaren?

20 COMMISSIONER McLAREN: Here.

21 MS. EAGAN: John Voss?

22 COMMISSIONER VOSS: Here.

23 MS. EAGAN: Dan Haire?

24 COMMISSIONER HAIRE: Here.

25 MS. EAGAN: Russell McCreary?

1 COMMISSIONER McCREARY: Here.

2 MS. EAGAN: And, Ron Williams?

3 COMMISSIONER WILLIAMS: Here.

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

5 CHAIRMAN EVANS: Thank you.

6 Please give us a presentation of the hearing
7 procedures and exhibits.

8 MS. EAGAN: Tonight's Planning Commission
9 meeting is governed by the Franklin County Unified Land Use
10 Regulations of 2001.

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

17 At this time, I would like to place into the record
18 these Regulations as Exhibit A, the official Zoning Map as
19 Exhibit B, the official Master Plan as Exhibit C, and the case
20 file for each case as Exhibit D for all the cases to be heard at
21 this hearing.

22 [Thereupon, evidence was marked
23 for identification and presented for the record
24 as Planning and Zoning Exhibits A, B, C,
25 and D.]

1 All Old Business items on the agenda will be dealt
2 with first.

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

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

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

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

14 It is possible for the Commission to decide to move
15 a New Business issue to Old Business and vote on it the same
16 night.

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

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

24 CHAIRMAN EVANS: Thank you. Everyone
25 should have received a copy of the minutes from the April 21st

1 meeting and had a chance to review them. Are there any
2 corrections or changes?

3 I would make one change, and that would be on the
4 motion to table File 140039. I'm showed as an aye, and I voted
5 no. So if you'll note that change.

6 Are there any other additions or corrections?

7 [None]

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

10 COMMISSIONER HAIRE: So approved. So
11 approved.

12 COMMISSIONER SCHULTEHENRICH: Second, Mr.
13 Chairman.

14 CHAIRMAN EVANS: We have a motion and
15 second to approve minutes. All in favor signify by saying aye.

16 COMMISSIONER REINHOLD: Aye.

17 COMMISSIONER VOSS: Aye.

18 COMMISSIONER McLAREN: Aye.

19 COMMISSIONER CUNIO: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER SCHULTEHENRICH: Aye.

24 COMMISSIONER McCREARY: Aye.

25 CHAIRMAN EVANS: Opposed? [None]

1 The minutes are approved.

2 Old Business. File 150039, Planning and Zoning
3 Department. I will say that Commissioner McCreary has recused
4 himself, and will not take part in any discussion or votes on
5 this file.

6 Scottie, would you please give us the details.

7 MS. EAGAN: I don't have any official
8 staff report for this file. What you guys received in your
9 packet was the notes from last month typed up from the
10 recommendations. It's separated into Article 2 and Article 10.

11 And then what was e-mailed to you and also handed
12 out tonight are the red-line copies of those notes that came out
13 of Review Committee. And then you also have the red-line of
14 Article 2 as it would look with the recommendations from last
15 month, plus the recommendations from Planning and Zoning
16 Commission and Review Committee.

17 And then you have Article 10, which has the same
18 red-lines.

19 So that's all I have for you guys.

20 CHAIRMAN EVANS: Do we have any
21 discussion?

22 COMMISSIONER SCHULTEHENRICH: Mr.
23 Chairman, I do have a question or so, if you wouldn't mind.

24 CHAIRMAN EVANS: Sure. Go ahead, Jay.

25 COMMISSIONER SCHULTEHENRICH: This has to

1 do with a question I think that Mark answered at the last
2 meeting. Then I could -- could Mark answer the question for me.

3 COUNTY ATTORNEY VINCENT: I'll try.

4 COMMISSIONER SCHULTEHENRICH: I know you
5 and I had discussed afterwards, and I appreciate the conversation
6 you and I had.

7 I raised the question with you in regard to what
8 armor meant because I'm not sure I've ever seen the word in
9 relation to construction. Okay. And I know in here it talks
10 about the armoring, which to me means the covering or the
11 protecting of a berm, is what I would understand armoring to
12 mean --

13 COUNTY ATTORNEY VINCENT: [Interposing]
14 That's correct. Yes, sir.

15 COMMISSIONER SCHULTEHENRICH: -- to mean.
16 Okay. And in here, it talks about it being with concrete or with
17 concrete-based material. Okay.

18 Is this allowing at all in any way, shape, or form
19 the means of using fly ash itself as the means of it being
20 armored, the armoring of the berm?

21 COUNTY ATTORNEY VINCENT: Not fly ash by
22 itself. There would be fly ash built into the concrete like in
23 Kwik Crete that you do at home or concrete that is -- the Highway
24 Department uses for abutments, but not fly ash by itself.

25 COMMISSIONER SCHULTEHENRICH: Is -- if

1 it's used as a reusable product, okay, that's one thing.

2 COUNTY ATTORNEY VINCENT: It was, right,
3 yes, sir.

4 COMMISSIONER SCHULTEHENRICH: Because
5 that's -- that we all accept in regards to --

6 COUNTY ATTORNEY VINCENT: [Interposing]
7 We use it every day.

8 COMMISSIONER SCHULTEHENRICH: That's
9 correct. Okay. But my concern was that -- specifically was,
10 because I just wasn't too comfortable in that that armoring could
11 potentially open that to where it would be fly ash.

12 COUNTY ATTORNEY VINCENT: Not just fly
13 ash, no, sir.

14 COMMISSIONER SCHULTEHENRICH: That's not
15 the intent of it?

16 COUNTY ATTORNEY VINCENT: No, sir, not to
17 -- and the way I read it, understand it and wrote it, it's not as
18 it's worded either. As we use concrete by itself or concrete
19 with other reusable items such as the fly ash as a component to
20 help it strengthen and dry more quickly. So not the fly ash is
21 not -- cannot be used alone in the berm, in the armor process.

22 COMMISSIONER SCHULTEHENRICH: Then fly ash
23 wouldn't be used for -- in the berm as a substantial element of
24 building a berm or anything; is that --

25 COUNTY ATTORNEY VINCENT: There could be

1 some inside the berm, but the armor plating, if you will, and I
2 told you that comes from my military background I guess, the
3 armor plating itself is what's going to be in contact with the
4 outside. That has to be concrete or concrete-based materials,
5 which could -- may include fly ash. I'm not going to sit here
6 today and say that there may not be some fly ash on the -- just
7 like on the bottom of a liner there may be soil mixed with fly
8 ash in there, but when it's exposed to the outside will have no
9 fly ash by itself in it.

10 That's not the way it works.

11 COMMISSIONER SCHULTEHENRICH: Okay. Then
12 I'm --

13 CHAIRMAN EVANS: [Interposing] Will
14 everyone please turn off their cell phones.

15 COMMISSIONER SCHULTEHENRICH: Then I'll be
16 okay with the word armored, as long as clarification as to what
17 that meant. I just didn't have a -- my gut was not there yet to
18 be realized.

19 COUNTY ATTORNEY VINCENT: I understand.

20 COMMISSIONER SCHULTEHENRICH: Okay.

21 COUNTY ATTORNEY VINCENT: Is that all,
22 sir?

23 COMMISSIONER SCHULTEHENRICH: That is for
24 me, yeah.

25 CHAIRMAN EVANS: Any other questions for

1 Mark? [None]

2 Any further discussion? [None] Again, any changes
3 we make are a recommendation to the Commission.

4 COMMISSIONER SCHULTEHENRICH: We are clear
5 that this is just that no fly ash can come in off-premise to come
6 into this facility, okay. I think I just want to make sure we're
7 reiterating that. That's --

8 COUNTY ATTORNEY VINCENT: [Interposing]
9 Right.

10 COMMISSIONER SCHULTEHENRICH: It's going
11 to be fly ash that's only going to be produced at the Labadie
12 plant?

13 COUNTY ATTORNEY VINCENT: Yes. It says
14 that in our lease, I think, two different places. But I want to
15 make certain it's clear also that if someone -- if they were to
16 attempt to bring fly ash in from someplace else, anywhere else,
17 even in Franklin County, that is not part of this energy
18 generation's facility, that would be in violation of the Code and
19 subject whoever the responsible party is to prosecution in our
20 municipal court.

21 And I do want to make sure everybody understands too
22 that, although there's not going to be in-and-out of fly ash
23 itself, there could be trucks that have worked with that that may
24 be going in and out. We have reinstated the part in there that
25 requires that they be clean and then covered, and all the

1 protections that were there originally are still -- are back in
2 there. So you know there's no -- absolutely no fly ash can be
3 taken out unless it's for a beneficial use or brought in period.
4 Okay?

5 COMMISSIONER SCHULTEHENRICH: Thank you.

6 CHAIRMAN EVANS: Any other questions or
7 discussion? [None]

8 If there is none, the Chair would entertain a
9 motion. We have the option of -- we will make a recommendation
10 to the Commission. We can recommend to approve or not approve
11 the amendments. Either way, it would get it off our plate,
12 because as we sit now, there is no public comment. Our subject
13 matter expert is Mark, and we have these amendments that we have
14 here, and we are a bit handcuffed without the privilege of having
15 public comment.

16 So in order to get it out in the open where there
17 can be public comment, I would think that we would want to make a
18 recommendation to move it on to the Commission.

19 COMMISSIONER HAIRE: I'll move that we
20 accept Article 2 and Article 10 with the amendments and changes
21 we have recently done to the Planning -- to the general
22 Commission.

23 CHAIRMAN EVANS: We have a motion.

24 COMMISSIONER REINHOLD: I'll second it.

25 CHAIRMAN EVANS: We have a motion and a

1 second to --

2 MS. EAGAN: [Interposing] I just need a
3 clarification. Is it a recommendation to approve as amended?

4 COMMISSIONER HAIRE: Recommend to approve
5 as amended.

6 CHAIRMAN EVANS: We have a motion and a
7 second to approve. All those in favor signify by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER CUNIO: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER SCHULTEHENRICH: Aye.

16 CHAIRMAN EVANS: Opposed?

17 FEMALE AUDIENCE MEMBER: No.

18 CHAIRMAN EVANS: The file is approved.

19 New Business. File 150079, Big Elm, L. L. C. No
20 public comment accepted.

21 Scottie, will you please give us the facts.

22 MS. EAGAN: This is File 150079 for Big
23 Elm, L. L. C.

24 The applicant requests to rezone one parcel from
25 Residential Development 2 to Non-Urban and Agricultural.

1 The property is located at 6320 Highway 100,
2 approximately three-quarter mile south of the intersection of
3 Highway 100 and High Street in St. John's Township.

4 The Facts: The total area for the rezoning is
5 approximately 38 acres.

6 Do you want me to continue, or do you want them
7 to...

8 CHAIRMAN EVANS: Yes. Could we have
9 quiet, please.

10 MS. EAGAN: The zoning of this property is
11 Residential Development 2. The applicant would like to rezone to
12 Non-Urban and Agricultural.

13 Non-Urban and Agricultural zoning allows
14 agricultural, recreational, wildlife, forestry, open space,
15 farming and related uses to mix with low-density residential
16 development.

17 Non-Urban and Agricultural requires a minimum of at
18 least one acre with central water and sewer for any subdivision
19 development with a maximum density of 1 dwelling unit per 40,000
20 square feet.

21 This property was rezoned in 2006 from Suburban
22 Development to Residential Development 2.

23 The properties around the proposed site are zoned
24 Suburban Development.

25 This property is surrounded by low-density

1 residential land, which is density which is equal to or less than
2 1 dwelling unit per 40,000 square feet, that's to the west, the
3 City of Washington is on the north and east, and undeveloped land
4 to the south.

5 Staff Comments: Rezoning are allowed in our
6 regulations due to the every-changing conditions that exist in
7 the county and elsewhere. According to Article 14, Section 321,
8 any such change must promote the health, safety, morals, comfort,
9 and general welfare of Franklin County by conserving and
10 protecting property and building values by securing the most
11 economical use of land and facilitating the adequate provision of
12 public improvements in accordance with the Master Plan adopted by
13 Franklin County.

14 CHAIRMAN EVANS: Thank you.

15 Is the applicant here? [No response] All right.
16 Big Elm, L. L. C. we do not have an applicant.

17 Well, we do not have the -- it would be nice to know
18 why he wants to rezone this.

19 MS. EAGAN: I think I can give you a
20 little history.

21 The property to the north of this they used to do
22 their fireworks sales on there. The City of Washington then
23 annexed that property into the city limits.

24 So they wanted to do fireworks sales on this
25 property in question. Fireworks sales are not allowed in RD2.

1 So they want to rezone it to Non-Urban Agricultural so they can
2 continue doing fireworks sales as well as potentially do special
3 events at the farm.

4 It is a farm currently out there, and they wish to
5 do fireworks sales and potentially special events with a
6 conditional use permit.

7 CHAIRMAN EVANS: Okay. Without an
8 applicant present, we are required to make a decision based upon
9 the available information.

10 Again, this is a rezoning, so it's a recommendation
11 to the Commission. I would say any questions, but since we don't
12 have an applicant, there won't be any answers.

13 So, Scottie, you have talked to the applicant and
14 basically what they want to do, this would allow them to do
15 firework sales?

16 MS. EAGAN: Right. And the way it is,
17 whether you make a recommendation tonight, it still is pushing
18 them back in the fireworks season. They won't be able to open on
19 time or anything because of the process we do have to go through
20 to go to the County Commission and all that stuff. So I would
21 recommend making a recommendation tonight, even if it is to deny
22 or a recommendation tonight just to keep this moving up to the
23 County Commission.

24 CHAIRMAN EVANS: So we haven't had any
25 issues with this applicant before on the special events or

1 anything also, you know, to any issues; --

2 MS. EAGAN: [Interposing] No.

3 CHAIRMAN EVANS: -- you don't see any?

4 I think the Chair would entertain a motion.

5 COMMISSIONER BOLAND: I'll make a motion
6 to approve.

7 COMMISSIONER CUNIO: Second.

8 CHAIRMAN EVANS: We have a motion and a
9 second to approve File 150079 rezoning Big Elm, L. L. C.

10 All in favor signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER CUNIO: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER BOLAND: Aye.

16 COMMISSIONER HAIRE: Aye.

17 CHAIRMAN EVANS: Opposed?

18 COMMISSIONER McCREARY: No.

19 COMMISSIONER SCHULTEHENRICH: No.

20 COMMISSIONER McLAREN: No.

21 CHAIRMAN EVANS: Okay. Motion is carried.

22 COMMISSIONER SCHULTEHENRICH: I think, Mr.
23 Chairman, just for a second. I think it's important that the
24 applicant be here to present, either the applicant or the
25 representative of the applicant be here. If they are wanting us

1 to commit our time to the consideration, then I think it's up to
2 them to devote some of their time in front of us so we have the
3 opportunity to quiz, to question, to see if that is their intent
4 or what it is.

5 Okay. I appreciate, Scottie, what you said and
6 think certainly always truth in regards to what you said. I
7 think it's just appropriate that the representative be here.

8 So I think you're right, though, it can be moved
9 either way on there. That's the reason for my no vote in this
10 case.

11 CHAIRMAN EVANS: All right. Thank you.

12 Moving on to File 150084, Rich Gullet and Sons,
13 Incorporated.

14 Scottie, please give us the details.

15 MS. EAGAN: This is File 150084 for Rich
16 Bullet and Sons.

17 The applicant wishes to expand a prior existing
18 non-conforming business in the Non-Urban and Agricultural Zoning
19 District.

20 The property is located at 620 Excavator Lane,
21 approximately 900 feet south of the intersection of Bend Road and
22 Bates Meadow Lane in Calvey Township.

23 The Facts: The property is approximately seven
24 acres in size.

25 The applicant is requesting this conditional use

1 permit to expand their home office of a family-owned grading and
2 excavating company.

3 This property is in the Non-Urban and Agricultural
4 Zoning District. In this district, Offices: general,
5 professional, medical or dental, and independent
6 contractors/construction business with no outdoor machinery,
7 equipment or commercial storage requires a Conditional Use
8 Permit.

9 The definition of Office, Independent Contractor or
10 Construction Business is an office primarily engaged in the
11 provision of services relating to an independent contractor or
12 construction business. The use of any building or premise
13 primarily for conducting the affairs of the business. All
14 offices can have up to two commercial vehicles stored on premise.

15 The surrounding properties are zoned Non-Urban and
16 Agricultural.

17 This property is surrounded by primarily low-density
18 residential land.

19 Directly east of the property, across Bates Meadow
20 Lane, is a three-lot, low-density subdivision that was platted in
21 2001.

22 According to the Assessor's record, there appear to
23 be two structures on the property. One is listed as a
24 residential structure, and one is listed as a commercial
25 structure.

1 Staff Comments: The applicant is currently using
2 the property for their grading and excavating business. This
3 business is a prior existing non-conforming use that was
4 established in 1974, according to the Secretary of State.

5 Any buildings used or built in connection with this
6 CUP will need to be approved by the Franklin County Building
7 Department for a commercial building.

8 All conditions shall be completed within one year of
9 approval, unless otherwise stated. Failure to meet all
10 conditions will result in the application expiring.

11 CHAIRMAN EVANS: Thank you.

12 Is the applicant present?

13 MR. ROGER GULLET: Yes.

14 CHAIRMAN EVANS: Please step forward.

15 State your name and address. Also sign in.

16 MR. GULLET: My name's Roger -- I'm sorry.

17 MS. REPORTER: Go ahead. Roger?

18 MR. GULLET: My name's Roger Gullet. I'm
19 owner -- half owner of Rich Gullet and Sons. My address is 2135
20 Young Road, Pacific, Missouri.

21 [Thereupon, the witness was sworn.]

22 CHAIRMAN EVANS: If you'd just give a
23 little bit more detail on what you're proposing.

24 MR. GULLET: Okay. Well, my father
25 started this company back in 1969 actually, and we've been

1 operating there as a construction company and excavating company,
2 but our office is just getting too small. So we want to put an
3 addition on it. It's about 975 square feet, I believe.

4 We wasn't [sic] aware of the fact that we had to
5 have a Conditional Use Permit until we applied for the building
6 permit. So we're just trying to step up.

7 The property in front of this, the residential
8 property in front of us between us and Bend Road, I own that
9 also, and we just rent that house to somebody. That used to be
10 my parents' house.

11 But basically that's all we need. We just need more
12 office space. We're going to put four offices in this little
13 addition. We need more help. We've been expanding.

14 CHAIRMAN EVANS: So basically you would be
15 expanding the existing house?

16 MR. GULLET: No, the existing office.

17 CHAIRMAN EVANS: Office?

18 MR. GULLET: Yeah. Yeah. The -- I'm
19 trying to think. It's hard to see. I've got a shop there and
20 two other outbuildings that we park trucks under, and as you can
21 see, parking lot with equipment sitting in it.

22 CHAIRMAN EVANS: And that would be the
23 only changes, the addition to the office space?

24 MR. GULLET: I'm sorry?

25 CHAIRMAN EVANS: That would be the only

1 change, would be addition to the office space?

2 MR. GULLET: Yeah, yeah. We're just going
3 to put an addition on one end of our existing office.

4 CHAIRMAN EVANS: Okay.

5 MR. GULLET: Yeah.

6 CHAIRMAN EVANS: Do we have any questions?

7 [None] Thank you.

8 MR. GULLET: Thank you.

9 CHAIRMAN EVANS: Anyone else wishing to
10 speak in support of this Conditional Use Permit? Anyone wishing
11 to speak in support? [None]

12 Anyone wishing to speak in opposition? [None]

13 Do we have a question? Bill?

14 COMMISSIONER McLAREN: Yeah. I just want
15 to make sure that I understand what's going on and Mr. Gullet
16 understands what's going on here too.

17 Once -- it would be my understanding that once he
18 gets his Conditional Use Permit, that it's up for review every
19 year. Is that...

20 CHAIRMAN EVANS: No. Once he gets the
21 Conditional Use Permit, it would actually go on as long as he --

22 MS. EAGAN: [Interposing] May I clarify?

23 CHAIRMAN EVANS: Yeah.

24 MS. EAGAN: Every year we do go out and
25 check the Conditional Use Permits to make sure they are still

1 meeting the conditions.

2 COMMISSIONER McLAREN: Make sure they're
3 under compliance?

4 MS. EAGAN: Right.

5 CHAIRMAN EVANS: Okay. Compliance, okay.

6 MS. EAGAN: Yes.

7 COMMISSIONER McLAREN: All right. That's
8 what I meant. So -- and this is truly a business that was a
9 grandfathered business. You know, it's -- I'm glad you pointed
10 out it started in 1969 and not 1974, but I think there's
11 grandchildren working at this business now.

12 So by getting the Conditional Use Permit, is that
13 going to impact this outside storage of equipment and the way the
14 business is being operated now if there's an objection in the
15 future to that?

16 CHAIRMAN EVANS: No, since it exists as a
17 non-conforming, it's basically grandfathered, which is why he had
18 to come to make any change at all. So the addition to the office
19 space with the Conditional Use Permit, he will still be able to
20 operate.

21 COMMISSIONER McLAREN: Yeah, I just want
22 to make sure he can operate the way he's been, that he can have
23 outside storage, that we're not going to have in two years
24 somebody objects and says well, you know, he has to have a fence
25 up, he has to do this, he has to do all these potential things.

1 CHAIRMAN EVANS: Well, when it was
2 approved as non-conforming, that was grandfathered, he could do
3 business.

4 COMMISSIONER McLAREN: And do business and
5 we're not going to be putting hours on it, of operation on it, or
6 those -- that's my concern, that -- you know, that the business
7 has expanded. It seems like in the past, we've looked at other
8 businesses expanded, and in that process, there's hours of
9 operation, there's a lot of contingencies that get put on.

10 CHAIRMAN EVANS: Right. And in this, when
11 especially looking at the property, it interferes with no one.

12 COMMISSIONER McLAREN: Well, I agree with
13 that, and that's -- I guess I'm beating a dead horse here. I
14 just want to make sure that we're not putting him in somewhere
15 that gets uncomfortable by granting the CUP.

16 CHAIRMAN EVANS: No. That allows him to
17 add the floor space, and everything else stays exactly the same.

18 COMMISSIONER McLAREN: Right, that's my
19 concern.

20 MS. EAGAN: I mean, my only two
21 recommended conditions would be, obviously, the commercial
22 building permit, which he has in our office, and that it has to
23 be done within the year.

24 CHAIRMAN EVANS: Right, which is standard.

25 MR. GULLET: It would be done now if we

1 didn't have to do this.

2 MS. EAGAN: I mean, you guys have the
3 right to do other conditions if you want, because he does have to
4 conform to our Code now, but you don't have to put hours on him.
5 You don't have to do the fence. It's up to you as a Commission
6 of what you want to do.

7 CHAIRMAN EVANS: Well, if you look at the
8 pictures and going out to try to look at the property, it's a
9 hard place even to find. I can't think of any condition that
10 we'd even want to put on it, other than the fact that he improve
11 his road.

12 COMMISSIONER SCHULTEHENRICH: I was just
13 going to say, Bill, I think when you're talking about hours and
14 everything, most of the time with new businesses or businesses
15 that are in close proximity around other businesses or
16 residences, I think that's the concern normally expressed with
17 regards to the hours.

18 But in this case here, I -- unless I -- Scottie says
19 unless we wish to add it. But I don't see --

20 COMMISSIONER McLAREN: [Interposing]
21 Actually --

22 COMMISSIONER SCHULTEHENRICH: There's no
23 need that I see.

24 COMMISSIONER McLAREN: I don't wish to add
25 it. I want to make sure he can continue to operate, and by us

1 granting this, we haven't brought in the possibility to have to
2 change his business and have to cause a problem for hours of
3 operations as the business grows. I mean, it's the American
4 dream to grow your business, and in that growing if you lose
5 stuff in order to be able to do business, that's my concern.

6 MS. EAGAN: Bill, I can even put something
7 in the Conditional Use Permit about him being able to operate as
8 he is today if -- you know, if you're worried about it in the
9 future.

10 COMMISSION McLAREN: Okay.

11 CHAIRMAN EVANS: Okay. We can add that as
12 the verbiage in the Conditional Use Permit, that the applicant
13 will be able to operate business as is.

14 COMMISSIONER McCREARY: I have a question.

15 CHAIRMAN EVANS: Yes.

16 COMMISSIONER McCREARY: If we approve
17 this, will he be no longer a non-conforming us?

18 MS. EAGAN: He'll be conforming.

19 COMMISSIONER McCREARY: Okay.

20 CHAIRMAN EVANS: Any other questions,
21 comments?

22 COMMISSIONER REINHOLD: I make a motion to
23 move it to Old Business.

24 CHAIRMAN EVANS: We have a motion to --

25 COMMISSIONER McLAREN: Second.

1 CHAIRMAN EVANS: We have a motion and
2 second to move File 150084 to Old Business. All in favor signify
3 by saying aye.

4 COMMISSIONER REINHOLD: 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 SCHULTEHENRICH: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN EVANS: Opposed? [None]

15 The file is moved to Old Business.

16 Mr. Gullet, for your information, we'll bring it up
17 under Old Business this evening, and if there is no other
18 discussion, we'll vote to approve it then.

19 File 150085 Landvatter Enterprises, L. L. C. No
20 public comments accepted.

21 Scottie, will you please give us...

22 MS. EAGAN: This is File 150085 for
23 Landvatter Enterprises, L. L. C.

24 The applicant wishes to rezone one-half of a parcel,
25 approximately 12 acres, from Community Development to Commercial

1 Activity 3 Community Business.

2 The property is on Old Route 66, West Osage Street,
3 approximately seven-tenths mile east of the intersection of Old
4 Route 66 and West Osage Street and Old Gray Summit Road in Boles
5 Township.

6 The Facts: The total area of the property is
7 approximately 24.3 acres in size. The applicant is requesting to
8 rezone approximately 12.68 acres. The remaining 11.93 acres will
9 remain Community Development.

10 The current zoning of this property is Community
11 Development. Applicant would like to rezone a portion of the
12 parcel to Commercial Activity 3 Community Business.

13 The properties between Old Route 66 and Old Gray
14 Summit Road are zoned Community Development. The properties
15 across the road of Old Route 66 and south of Interstate 44 are
16 zoned Commercial Activity Highway Service.

17 This property is not a part of the subdivision, but
18 there are subdivisions surrounding the proposed site on the east,
19 south, and southeast.

20 The property is surrounded by commercial properties
21 to the west, high-density residential properties to the south and
22 southwest, and the railroad to the east.

23 This property has access to Old Route 66.

24 This property is located in Water District No. 3.

25 Staff Comments: Rezoning are allowed in our

1 regulations due to the every-changing conditions that exist in
2 the county and elsewhere. According to Article 14, Section 321,
3 any such change must promote the health, safety, morals, comfort,
4 and general welfare of Franklin County by conserving and
5 protecting property and building values by securing the most
6 economical use of land and facilitating the adequate provision of
7 public improvements in accordance with the Master Plan adopted by
8 Franklin County.

9 CHAIRMAN EVANS: Thank you.

10 Is the applicant here? I would mention that since
11 most of the Commissioners were here at the time of your previous
12 CUP, that was withdrawn. So all information that you have in
13 that file regarding the prior CUP is null and void recently.

14 MR. DAVE BAYLARD: Good evening. My name
15 is Dave Baylard. I'm an attorney for the applicant Landvatter
16 Enterprises, L. L. C.

17 Do you swear attorneys here?

18 MS. REPORTER: Yes.

19 MR. BAYLARD: Okay.

20 CHAIRMAN EVANS: Twice.

21 MR. BAYLARD: Twice?

22 [Thereupon, the witness was sworn.]

23 The applicants -- the applicant is actually
24 Landvatter Enterprises, L. L. C. It's a limited liability
25 company. The owners are Roger Landvatter and his daughter,

1 Melissa, who are seated over here to my right. They are here to
2 answer any questions that you may have.

3 They are seeking a rezoning of 12.68 acres to CA3.
4 Mr. Landvatter's plan is to construct a concrete plant for the
5 manufacture of concrete products.

6 Mr. Landvatter was here last year, applied for a
7 commercial -- excuse me -- a CUP, and it was granted. But there
8 was litigation that followed that, and the delay in that
9 litigation caused his existing contract to purchase that land to
10 expire. Therefore, we had no choice but to withdraw it, and we
11 did withdraw it.

12 Eventually a new contract was negotiated, and due to
13 the uncertainty of the Conditional Use Permit and the amount of
14 money to be invested, we believed it was good judgment causing us
15 to come here and seek a rezoning as opposed to a Conditional Use
16 Permit.

17 Now, with respect to what the property is that we're
18 seeking the rezoning, I have prepared up an Exhibit 1, and the
19 yellow highlighted part is actually the area to be rezoned. The
20 area under contract is actually the entire area below here as
21 it's shown here in pink on your screen in back. But the southern
22 most half, if you will, of that property is not to -- not a part
23 of this rezoning request. He is merely requesting the northern
24 part here, which is adjacent to Union Pacific.

25 So I would ask Exhibit 1 be accepted into evidence

1 tonight, and passed around.

2 [Thereupon, evidence was marked for
3 identification and submitted for the record
4 as Landvatter Exhibit No. 1.]

5 MALE AUDIENCE MEMBER: Turn the mic on.

6 MR. BAYLARD: It's not on? Sorry.

7 MS. EAGAN: You got to get closer to it.

8 MR. BAYLARD: Oh, okay. Got it. I think
9 I got it now. Okay.

10 The -- in preparing to apply for this rezoning, we
11 came across the 2012 Future Land Use map, which I have marked as
12 Exhibit 2 here.

13 [Thereupon, evidence was marked for
14 identification and submitted for the record
15 as Landvatter Exhibit No. 2.]

16 This is the Future Land Use map that was promulgated
17 by Franklin County and the Franklin County Zoning Commission
18 after public input, and it actually shows that the area that we
19 are seeking the rezoning is slated for rezoning to Commercial in
20 the future.

21 And I will offer Exhibit 2.

22 So basically we're seeking a rezoning. We're asking
23 you to actually implement your 2012 plan, future plan, of Future
24 Land Use and allow this rezoning.

25 Now, for further explanation of what we are doing or

1 what Mr. Landvatter plans to do, I'm going to offer Exhibit 3.
2 This is more or less an aerial photograph showing surrounding
3 areas. You've got the Ameren-UE facility here. We're right next
4 door to the Metro Con Commercial Park here. Across the road is
5 actually the -- owned by MoDOT, and they have buildings.

6 And I'm going to offer Exhibit 3 here.

7 [Thereupon, evidence was marked for
8 identification and submitted for the record
9 as Landvatter Exhibit No. 3.]

10 As further evidence for your consideration, I'm
11 going to offer Exhibit 4.

12 [Thereupon, evidence was marked for
13 identification and submitted for the record
14 as Landvatter Exhibit No. 4.]

15 There are residences, as Scottie mentioned, near
16 this property. Exhibit 4 is a picture of the Kirkwood plant run
17 by my client, and it shows the -- what his Kirkwood plant looks
18 like on -- this is Exhibit 4 by the way, and it shows the houses
19 that are adjacent thereto. I've been told that these houses are
20 valued in excess of \$300,000.

21 I'm going to offer 4.

22 Exhibit 5 is another picture, and it shows more
23 houses immediately adjacent to the plant that we own in Kirkwood,
24 and it actually shows a \$600,000 home being built right next door
25 to our plant. That's Exhibit 5.

1 [Thereupon, evidence was marked for
2 identification and submitted for the record
3 as Landvatter Exhibit No. 5.]

4 So, Mark, I don't know if I have to offer them into
5 evidence, but I am.

6 COUNTY ATTORNEY VINCENT: No, they're not
7 really part of the record tonight.

8 MR. BAYLARD: All right.

9 The Kirkwood plant is located right across the
10 street from the Museum of Transportation. It is also located
11 adjacent to the Greenbrier County Club, and they've been good
12 neighbors.

13 Again, as I stated before, the land to the south
14 will remain with its present zoning. We are not seeking to
15 rezone it. It will remain as a buffer between the rezoned
16 property, if you grant that for us or at least recommend it for
17 us, and the residential property.

18 Although my client will own that southern half of
19 his property, it is awfully steep and really not usable or
20 suitable for his purposes. So it will, for all intents and
21 purposes, probably remain woods.

22 And that's the end of my presentation. If any of
23 you have any questions of Mr. Landvatter, I can bring him up
24 right now. Roger.

25 CHAIRMAN EVANS: If you'd like to, state

1 your name, address, and sign in, please.

2 MR. ROGER LANDVATTER: It's Roger
3 Landvatter. I live at 2668 Spring Valley Road, and mailing
4 address is Pacific in Franklin County.

5 [Thereupon, the witness was sworn.]

6 CHAIRMAN EVANS: Do you have any other
7 detail you'd like to add?

8 MR. LANDVATTER: No, I don't.

9 MR. BAYLARD: If anybody has any questions
10 at all...

11 CHAIRMAN EVANS: I would assume that the
12 plant in Kirkwood, that this plant would be pretty much
13 identical?

14 MR. LANDVATTER: No, there's -- we put
15 that plant up in '99, and things changed and things modernized,
16 and this would be a brand new plant, but it would still produce
17 concrete. And we're going to make concrete blocks and different
18 products at this site since we have more acreage.

19 CHAIRMAN EVANS: Do we have any questions?

20 MS. EAGAN: Bill, can I clarify that this
21 is just a rezoning. We're not looking at what he's proposing to
22 do because he could potentially sell the property before he opens
23 the plant --

24 CHAIRMAN EVANS: [Interposing] That's
25 correct.

1 MS. EAGAN: -- and anything in CA3 would
2 be allowed.

3 CHAIRMAN EVANS: Yeah, that's my error.
4 So this may or may not be a concrete plant.

5 MS. EAGAN: Correct.

6 CHAIRMAN EVANS: We're looking at
7 rezoning.

8 MS. EAGAN: You're just looking at
9 rezoning and what is allowed in that district, if it doesn't make
10 sense for the area.

11 COMMISSIONER McCREARY: Okay. Yeah, I
12 have a question, Scottie.

13 We had a Conditional Use Permit approved. Went
14 through BOZA, was approved. We were able to put conditions on
15 the use.

16 MS. EAGAN: Correct.

17 COMMISSIONER McCREARY: With this
18 rezoning, we cannot put any conditions on the use if it falls
19 within that zoning district?

20 MS. EAGAN: You cannot. Correct. If it's
21 permitted, then it's permitted.

22 COMMISSIONER McCREARY: Right. So hours
23 of operation, anything like that, it's just wide open, whatever
24 is allowed in that district...

25 MS. EAGAN: I mean, he still has to meet

1 whatever our Code says pertaining to different aspects of it.

2 COMMISSIONER McCREARY: Right.

3 MS. EAGAN: But yes. For instance, hours
4 of operation, we have no code for that.

5 COMMISSIONER McCREARY: Okay. So...

6 CHAIRMAN EVANS: And again, this is a
7 recommendation to the Commission, who would have a public
8 hearing --

9 COMMISSIONER McCREARY: [Interposing]
10 Right.

11 CHAIRMAN EVANS: -- again on the rezoning,
12 but even then, they would not allow -- be allowed to put
13 conditions on it as far as --

14 MS. EAGAN: [Interposing] Right, you're
15 just looking at the zoning, not --

16 CHAIRMAN EVANS: [Interposing] Rezoning,
17 so...

18 MS. EAGAN: -- potential product.

19 COMMISSIONER McCREARY: Okay. Thank you.

20 MS. EAGAN: Uh-huh.

21 CHAIRMAN EVANS: Other questions for the
22 applicant? [None]

23 Thank you.

24 MR. BAYLARD: Thank you.

25 MR. LANDVATTER: Thank you.

1 CHAIRMAN EVANS: So again, this is a
2 rezoning. So it is a recommendation to the Commission, and we
3 can recommend for rezoning or against, and it will still go to
4 the Commission who can have a public hearing -- who will have a
5 public hearing.

6 COMMISSIONER REINHOLD: I'll make a motion
7 to approve it.

8 COMMISSIONER CUNIO: I'll second it.

9 CHAIRMAN EVANS: We have a motion and a
10 second to recommend File 150085. All in favor signify by saying
11 aye.

12 COMMISSIONER REINHOLD: Aye.

13 COMMISSIONER VOSS: Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER CUNIO: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER BOLAND: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 CHAIRMAN EVANS: Opposed?

21 COMMISSIONER McCREARY: Aye.

22 CHAIRMAN EVANS: The motion is approved.

23 File 150087, Planning and Zoning. No public
24 comments accepted.

25 Scottie, would you give us the details.

1 MS. EAGAN: Sure.

2 This file has to deal with some changes that are
3 going to be happening to Article 2. As you can see with what I
4 gave you in your packet, I kind of separated it.

5 The first few are changes that we're recommending to
6 coordinate our Code with what the IT Department has in terms of
7 addressing and when road names are required to have -- or when
8 roads are required to have a name.

9 So we had a meeting with the IT Department and Mark,
10 and we kind of sat down and said that our rules need to
11 coordinate. So my department and their department sat down and
12 came up with these definitions that they have in their policy.
13 So now we have to change our Code to include those in ours.

14 The next few, we realized that when it came to
15 mobile homes, we took out the fact that they had to meet HUD
16 Code, and that's something that all mobile homes have to do. So
17 we need to have it in our Code.

18 And then we're changing self storage units to just
19 say self storage so it can include buildings, structures or
20 property itself. So if somebody wants to house boats or RVs,
21 they can then do that with self storage.

22 And then I had changed violation because we don't
23 have Appendix H anymore. It's now Article 11.

24 So those are the changes to Article 2.

25 CHAIRMAN EVANS: Any questions,

1 discussion?

2 COMMISSIONER WILLIAMS: I got one. So you
3 said that this will make it match IT for the --

4 MS. EAGAN: [Interposing] Right, these
5 definitions should -- most of these definitions should be also in
6 their Code. Obviously, some of them won't. I don't think they
7 care about, you know, road dedication and stuff like that, but
8 they'll -- yes, these will match what is in IT's policy.

9 COMMISSIONER WILLIAMS: Okay. Then I'll
10 ask this question. Why IT's policy and not Planning and Zoning's
11 definitions?

12 MS. EAGAN: IT is the department that does
13 road names, and so they need a policy of when roads are required
14 to have a name. And it -- it makes sense to have definitions of
15 the partial policy, and this is something that we came up
16 together.

17 I'm not changing my regulations to match their
18 policy. It's something we came up with together that are now
19 coordinating instead of conflicting.

20 COMMISSIONER WILLIAMS: So IT may be
21 changing --

22 MS. EAGAN: [Interposing] Correct.

23 COMMISSIONER WILLIAMS: -- or may have to
24 change their policy?

25 MS. EAGAN: Correct.

1 COMMISSIONER WILLIAMS: Thanks.

2 MS. EAGAN: Okay.

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

5 If not, the Chair would entertain a motion.

6 COMMISSIONER BOLAND: I'll make the motion
7 to approve.

8 COMMISSIONER McCREARY: Second.

9 COMMISSIONER HAIRE: Second.

10 CHAIRMAN EVANS: We have a motion and a
11 second to approve File 150087. All in favor signify by saying
12 aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 CHAIRMAN EVANS: Aye.

18 COMMISSIONER BOLAND: Aye.

19 COMMISSIONER HAIRE: Aye.

20 COMMISSIONER SCHULTEHENRICH: Aye.

21 COMMISSIONER McCREARY: Aye.

22 CHAIRMAN EVANS: Opposed? [None]

23 The file is approved.

24 Moving on to File 150088, Planning and Zoning
25 Department. No public comment accepted.

1 MS. EAGAN: This file has to do with
2 Article 5, Enforcement and Review.

3 What we realized in our Code is that Article 8 has a
4 section that says if you are in violation of subdividing your
5 property, we have the right to hold your building permit. But we
6 didn't have anywhere in our Code that said if you're in violation
7 of any section of these regulations, we can hold your building
8 permit.

9 So what we're proposing to do is add under Section
10 114 letter D which will read:

11 "Any person liable as defined above,
12 located within any unincorporated area
13 covered or affected by the provisions of
14 these regulations, who violates any
15 provisions hereof will not be granted
16 building permit approval, sign permits, or
17 Conditional Use Permits until all said
18 violations are remedied."

19 So it kind of just gives us another thing to hold
20 onto to get them to clean up their violation.

21 CHAIRMAN EVANS: Questions, comments?

22 [None]

23 If not, the Chair would entertain a motion.

24 COMMISSIONER REINHOLD: I make a motion to
25 approve.

1 COMMISSIONER BOLAND: Second.

2 CHAIRMAN EVANS: We have a motion and a
3 second to approve File 150088. All in favor signify by saying
4 aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER CUNIO: Aye.

9 CHAIRMAN EVANS: Aye.

10 COMMISSIONER BOLAND: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN EVANS: Opposed? [None]

15 The file is approved.

16 File 150089, Planning and Zoning Department. No
17 public comment accepted.

18 Scottie.

19 MS. EAGAN: This section has to deal with
20 some changes in Article 8.

21 The first change will take place on page 8.3. What
22 it is, under our large lot exemption, we are adding a little
23 blurb. If the Information Technology or Addressing Department
24 requires the road to be named, the applicant will be required to
25 provide Planning and Zoning with a dedication document dedicating

1 the 50-foot roadway that was recorded with Recorder of Deeds.

2 What we found out in our meeting with IT is that
3 even though they were showing the easement on our surveys for
4 large lot developments, they weren't necessarily meeting the
5 definition of what a road is per our regulations. It needs to be
6 a recorded document, of what I'm understanding.

7 So this will just ensure that those easements that
8 are required to be named will be recorded with a deed of some
9 sort to ensure that they are a legal roadway.

10 So that's the first change.

11 The second change is on page 8.10. I realized for
12 minor subdivision plats and major subdivision plats that we left
13 off that the full legal description of the entire surveyed parcel
14 is required. That's something that's been required for a long
15 time to ensure that the parent parcel hasn't been divided more
16 than ten times -- or six times in a ten-year period.

17 Another change is I realized I had stream buffers in
18 the wrong spot. So I, instead of a little 'I', I made it a
19 capital 'V'.

20 And last but not least, under 8.27 under mobile home
21 subdivision regulations, we realized that we didn't have anything
22 in there about the Addressing Department reviewing any plat that
23 comes in to determine whether or not the road would be required
24 to be named. So we added that as well.

25 CHAIRMAN EVANS: Any questions or

1 comments? Russell?

2 COMMISSIONER McCREARY: Yeah. Under
3 number 3, Family Exemption, the second one here says use of
4 children of the landowner. I know we went through this last
5 year, I guess it was. If you go on down to what we approved,
6 it's under 'B', step -- child, step-child or lineal descendent,
7 should we change that just to descendent instead of just children
8 to be more uniform?

9 I mean, we're saying children in one paragraph.
10 Then we kind of make it more specific?

11 MS. EAGAN: Yeah. We can change that. It
12 should have been changed earlier, and it just wasn't.

13 COMMISSIONER McCREARY: Okay. And also
14 back on page 8.2, I want to use this form as a place to learn.

15 Section 164, the last line here, "Such boundary
16 descriptions must contain except for language in describing..."

17 What does that sentence mean?

18 MS. EAGAN: From my understanding is
19 sometimes in deeds they have this, "This is a full legal
20 description except for," and then it will go into a description
21 of what it doesn't include.

22 COMMISSIONER McCREARY: So it must not
23 contain except-for, the language that's here?

24 MS. EAGAN: Describe it as a stand-alone
25 parcel, and this has been something that's been in the Code since

1 I've been here.

2 COMMISSIONER McCREARY: Right.

3 MS. EAGAN: So this doesn't typically come
4 up. So I can't give you a definite...

5 COMMISSIONER McCREARY: I just don't
6 understand it.

7 MS. EAGAN: I mean...

8 COMMISSIONER McCREARY: Does anybody...

9 MS. ZIELKE: Russell, put quotation marks
10 around "except for".

11 COMMISSIONER McCREARY: Okay.

12 Must not contain "except for" language. Okay. So
13 in other words, it can't contain that?

14 Is anybody else confused on that?

15 CHAIRMAN EVANS: It is cumbersome.

16 COMMISSIONER McCREARY: Okay. I'm trying
17 to understand it. It's just I hate to bother them while they're
18 working just with this kind of stuff, but anyways, so the thing
19 is with the children, that's what I noticed. It was kind of, you
20 know, before. But we can -- I don't know. Somebody can explain
21 that to me, it's just my own benefit. That's all.

22 COMMISSIONER SCHULTEHENRICH: The way I
23 read it, and I think there's some commas that are missing on
24 there. I think Nichole is correct. Such boundary descriptions
25 must not contain "comma" except for language as in describing the

1 tract as "comma".

2 The intent is to describe must not contain the
3 intent -- the intent is -- the word is not there.

4 COMMISSIONER McCREARY: Okay. That's what
5 it is. I read it over and over, and it was just like what are
6 you trying to say there?

7 COMMISSIONER SCHULTEHENRICH: The word
8 "is" seems to be an inappropriate verb in that sentence there.

9 COMMISSIONER McCREARY: Yeah. Okay.

10 CHAIRMAN EVANS: So it's punctuation?

11 COMMISSIONER McCREARY: Yeah.

12 COMMISSIONER SCHULTEHENRICH: The wrong
13 verbiage. It shouldn't be that.

14 COMMISSIONER McCREARY: What is "is"?

15 COMMISSIONER SCHULTEHENRICH: It appears
16 to be the case.

17 COMMISSIONER McCREARY: Yeah, it's just --
18 I read that a lot of times. I still can't figure it out.

19 COMMISSIONER SCHULTEHENRICH: Right.

20 CHAIRMAN EVANS: So, Scottie, check the
21 punctuation and then, Russell, can you repeat again where we're
22 changing the children for Scottie?

23 MS. EAGAN: I know where the children is.
24 I don't necessarily understand the punctuation thing though.

25 COMMISSIONER McCREARY: That's okay. I

1 don't understand the sentence.

2 COUNTY ATTORNEY VINCENT: I can explain
3 it.

4 COMMISSIONER McCREARY: Please.

5 COUNTY ATTORNEY VINCENT: I don't think we
6 have any architects or engineers tonight, so I may not get too
7 much in trouble for this, but a lot of times legal descriptions
8 are prepared the lazy way. We have a great big description, and
9 then to give -- if I were to give you a part, I'm going to give
10 you that except for this part. And that's the description.

11 That's on a lot of deeds that way. That's what we
12 require on the stand on a parcel that it actually have a meets
13 and bounds description around the whole parcel instead of doing
14 an except for. If I'm going to give you all my land except for
15 99 percent of it or something, and you word it in a way that
16 you're excluding things, and it's just a lazy way of writing a
17 deed.

18 It's been done for a thousand years that way.

19 COMMISSIONER McCREARY: Okay.

20 COUNTY ATTORNEY VINCENT: It's lazy.

21 COMMISSIONER McCREARY: I read it and read
22 it. I still couldn't understand it.

23 COUNTY ATTORNEY VINCENT: Yeah, what --
24 that is really confusing because what makes them do and IT do and
25 everybody else do we have to go back to those documents and

1 almost do a title search.

2 So to have a stand-alone parcel, they hate us
3 because we make them do a boundary, a true legal description for
4 us so we know what the heck they're talking about.

5 COMMISSIONER McCREARY: Okay.

6 COUNTY ATTORNEY VINCENT: Does that help?

7 COMMISSIONER McCREARY: Yeah, absolutely.

8 COUNTY ATTORNEY VINCENT: Okay.

9 CHAIRMAN EVANS: Any other questions or
10 discussion?

11 COMMISSIONER WILLIAMS: Yeah.

12 CHAIRMAN EVANS: Ron.

13 COMMISSIONER WILLIAMS: Scottie, for that
14 first change on 8.3, --

15 MS. EAGAN: [Interposing] Uh-huh.

16 COMMISSIONER WILLIAMS: -- are we
17 dedicating it says 50-foot roadway. Are we dedicating
18 right-of-way or an easement?

19 MS. EAGAN: This -- under this section for
20 large lot exemption it would be an easement. So if you look up
21 under C(i), it says a 50-foot roadway utility easement on
22 property involved. So with surveys, we only require 50-foot
23 easement.

24 COMMISSIONER WILLIAMS: Okay. Thank you.

25 CHAIRMAN EVANS: Any other questions,

1 comments, changes? [None]

2 If not, the Chair would entertain a motion to...

3 COMMISSIONER REINHOLD: I'll make a motion
4 we accept it and put the changes that Russ comments.

5 CHAIRMAN EVANS: Okay. We have a motion.

6 COMMISSIONER HAIRE: Second.

7 CHAIRMAN EVANS: We have a motion and a
8 second to approve this file with the two changes. All in favor
9 signify by saying aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER BOLAND: Aye.

16 COMMISSIONER HAIRE: Aye.

17 COMMISSIONER SCHULTEHENRICH: Aye.

18 COMMISSIONER McCREARY: Aye.

19 CHAIRMAN EVANS: Opposed? [None]

20 Motion is carried.

21 File 150097, Planning and Zoning Department. No
22 public comments accepted.

23 Scottie.

24 MS. EAGAN: This file has to deal with
25 both Article 4 and Article 14.

1 The major changes in here have to do with
2 coordinating our regulations with what our Administrative Written
3 Testimony Procedures Policy is.

4 We realized our regulations were conflicting with
5 what our policy was. So we sat down and made the two coordinate,
6 and then I also needed the wording with the Planning and Zoning
7 Commission, Board of Zoning Adjustment, and County Commission to
8 also coordinate. We realized they weren't coordinating.

9 So what we did is we added a new section for written
10 comments that talks about that my -- our department, the Planning
11 and Zoning Department, will receive written comments on behalf of
12 the Planning and Zoning Commission from the date of filing until
13 the closing of business on the day of the hearing in accordance
14 with the Administrative Written Testimony Procedures Policy.

15 "The Planning and Zoning Department
16 will retain all written comments and
17 forward said comments to the Planning
18 and Zoning Commission as a part of the
19 official record of the public hearing.

20 "The Planning and Zoning Commission
21 reserves the right to amend the
22 Administrative Written Testimony
23 procedures Policy depending on the file
24 at hand."

25 So that same wording will then be for the Board of

1 Zoning Adjustment, as well as the County Commission.

2 One thing I also did change in Article 4, I added a
3 little section that says, under Application I think, to be
4 complete, I added a letter 'F' that says any application which is
5 heard before the Planning and Zoning Commission or the Board of
6 Zoning Adjustment shall be turned into the Planning and Zoning
7 Department at least 30 days before the next scheduled meeting and
8 deemed complete.

9 We ran into an issue earlier with someone trying to
10 file an application with out office that didn't require public
11 notice, and it was very difficult trying to get everything done
12 at the last minute, trying to get all my work done, and Nichole
13 trying to get all her work done, and getting it all to you in a
14 timely fashion. So we realized we didn't have anything in the
15 Code that gave us a timeline of when files are required to be
16 turned in to you, so I decided to add something under that
17 Article 4.

18 So those are the changes to Article 4 and 14. And
19 then also you guys do have the Administrative Written Testimony
20 Procedures that we handed out so that you could see the -- see
21 them both together.

22 CHAIRMAN EVANS: Any comments or
23 discussion? [None]

24 If not, the Chair would entertain a motion to
25 approve.

1 COMMISSIONER BOLAND: I make a motion to
2 approve.

3 COMMISSIONER REINHOLD: Second it.

4 CHAIRMAN EVANS: We have a motion and a
5 second to approve File 150097. All in favor signify by saying
6 aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER CUNIO: Aye.

11 CHAIRMAN EVANS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER HAIRE: Aye.

14 COMMISSIONER SCHULTEHENRICH: Aye.

15 COMMISSIONER McCREARY: Aye.

16 CHAIRMAN EVANS: Opposed? [none]

17 The motion is carried.

18 Moving back to Old Business. File 150084, Rich
19 Gullet and Sons, Incorporated.

20 Any further comments or discussion? [None]

21 If not, the Chair would entertain a motion to
22 approve.

23 COMMISSIONER REINHOLD: I make a motion to
24 approve it.

25 COMMISSIONER McLAREN: Second.

1 CHAIRMAN EVANS: We have a motion and a
2 second to approve File 150084. All in favor signify by saying
3 aye.

4 COMMISSIONER REINHOLD: Aye.

5 COMMISSIONER VOSS: Aye.

6 COMMISSIONER McLAREN: Aye.

7 COMMISSIONER CUNIO: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER SCHULTEHENRICH: Aye.

12 COMMISSIONER McCREARY: Aye.

13 CHAIRMAN EVANS: Opposed? [None]

14 The motion is carried.

15 Preliminary Plats. We have none.

16 Planning and Zoning Commission Forum. Anything to
17 discuss? [None]

18 Planning and Zoning Director's report.

19 MS. EAGAN: The only thing I have for you
20 guys is I think next month, as far as I know, the only thing on
21 the agenda at this point is a preliminary plat. And hopefully,
22 it will be a short one for you guys.

23 CHAIRMAN EVANS: Thank you, Scottie.

24 Communications and Visitor Comments. Anyone wishing
25 to address the Commission? And if please limit their comments to

1 three minutes.

2 MS. SONORA CRESTMAN [phonetically]: Do I
3 sign in here?

4 My name is Sonora Crestman. I'm a certified
5 floodplain manager and work under contract for the company that
6 holds the contract from FEMA for doing floodplain mapping.

7 I happen to live in Labadie, Missouri. I'm from
8 there. I left. I worked as a floodplain manager, and I came
9 back to care for my aging father.

10 I think you're being misled about the rules that
11 FEMA has for floodplain management because anything placed in the
12 floodway, it doesn't matter where it's from. Anything placed
13 there to raise the level, ground level, above the base flood
14 elevation is considered fill, and it's a possible violation of
15 the ordinances that make it possible for you to participate in
16 the floodplain program.

17 And considering the millions of dollars that have
18 been paid out to this community over the course of the period
19 that you've been enrolled, I think that you wouldn't want to risk
20 that possibility with having -- that's how companies get --
21 that's how whole communities get suspended, is by having this
22 happen.

23 I worked as a land map amendment analyst for years,
24 and I've had to talk to floodplain managers in communities before
25 who didn't understand that it doesn't matter where you get the

1 fill from. It could be just graded on from other parts of the
2 same property. It's considered fill if it wasn't there naturally
3 deposited.

4 So man-made fill, anything in concrete, all those
5 things are considered fill by FEMA, and I wanted to make sure you
6 were aware of that.

7 CHAIRMAN EVANS: Thank you. Anybody else
8 wishing to address the Commission?

9 MR. ERIC REICHERT: Do I have to tell you
10 who I am?

11 MS. REPORTER: Yes.

12 MR. REICHERT: My name is Eric Reichert.

13 Yeah, I'd -- I really find it extremely
14 disheartening that you all would move the landfill amendments
15 along just because it's inconvenient for you to keep it on the
16 table. That is very, very disheartening. And I was hoping that
17 at least one of the people of the Planning and Zoning Commission
18 would have voted no if a tabling had been brought up or would
19 have voted no to make a recommendation.

20 But I understand that the pressure has been intense
21 on you people, and the easiest thing for you to do was to just
22 pass it on to the Commission so we can have a sham hearing.

23 And it's extremely disheartening that you have
24 abandoned the citizens of Franklin County because three years
25 ago, supposedly, these things were put in place to make sure to

1 safeguard us, and now they're being taken out because it's going
2 to be impossible to sue Franklin County. And that's the only
3 reason these amendments have been brought, so that there can be
4 no lawsuits. Why? Because we're not going to be protected, and
5 I'm sorry. I was expecting more. I was expecting at least one
6 person to say no.

7 Shame on you all.

8 CHAIRMAN EVANS: Thank you. Anyone else
9 wishing to speak to the Commission?

10 MS. CATHY FULLER: Hi, my name's Cathy
11 Fuller. I live in Labadie. Cathy Fuller. I live in Labadie,
12 and I would just like to quote from a commencement speech that
13 was given at St. Louis University by Gary Casperal
14 [phonetically]. He says, "We can fight for our values, or we can
15 trade them away from comfort and temporary security."

16 This is a challenge for all of us in today's
17 globally connected world. Every day we make choices large or
18 small, individuals, companies, entire nations. Are those choices
19 guided by the values we treasure? Are we loyal to the principles
20 of individual freedom of faith, of excellence, or compassion of
21 the value of human life? Or do we trade them away?

22 Bit by bit from material goods for a quiet life and
23 to pass the problems of today on to the next generation.

24 Thank you.

25 CHAIRMAN EVANS: Thank you. Anyone else

1 wishing to address the Commission?

2 MS. CATHY HOLLOWAY: Long address, sorry.
3 I'm Cathy Holloway. I've been a Labadie resident for 19 years.
4 I have recently purchased a home in Wildwood, Missouri, and I
5 just wanted you guys to understand that what you're doing here,
6 what Franklin County is doing here, when it breaches, when there
7 are problems, it's going to affect everyone in Wildwood, and
8 you're all going to be blamed for the decisions that you didn't
9 want to make tonight.

10 We were all hoping that you would all do something,
11 because we have been fighting this for six years, and we know
12 that our Commission -- what is going to happen in our Commission.
13 I feel badly that you were pressured, each and every one of you.
14 I have to second my feelings with Eric Reichert.

15 Each and every one of you could have asked
16 questions. You could have done more. Instead you were -- you
17 decided to succumb to the pressures from Mark Vincent, who seems
18 to be running this entire county.

19 I'm really sorry to see that all this happened, and
20 that's one of the reasons I left Labadie, the complete and utter
21 chaos that happens here because you don't want to do your job and
22 protect us the way it was scared me off after 20 years of living
23 here. And I loved it here. You should all be very ashamed of
24 yourselves for doing this and not trying to protect your company
25 -- your county that you are here.

1 You're going to all down as the people who pushed
2 this all through and didn't think it over. Franklin County is
3 going to be at fault, and it's all going to be on your shoulders.

4 Thank you.

5 CHAIRMAN EVANS: Thank you.

6 Anyone else wishing to address the Commission?

7 MS. JANET DIETRICH: Yes, I'm Janet
8 Dietrich, and I am a resident of Labadie.

9 I do understand it, the documents you all had were
10 -- it's complicated. It's hard to read. It's hard to
11 understand. There was a lot of chitter-chatter, a lot, lot of
12 talk a month ago.

13 One thing that keeps coming to my mind though,
14 underlying all the documents, Mark Vincent -- Mr. Vincent
15 referred to the EPA. One of the main reasons was the EPA now has
16 rules for this. Now, you know, the EPA regulations are there. So
17 now we don't -- we don't need any.

18 But the truth of the matter is the EPA are -- they
19 are only recommendations. They are not regulations. They are
20 not laws, and the EPA says it's up to the local citizens to abide
21 by and enforce these kinds of their regulations or their
22 recommendations.

23 Well, that leaves us -- and you've seen six years of
24 the local citizens fighting, you know, Ameren. Like David and
25 Goliath, it's there, and you see how hard it is. And I know

1 every one of you was pressured, and I -- it's out there and
2 everybody's pressured everywhere because they are the big guns,
3 and we're just the little guys.

4 But I just really want to make that clear. EPA
5 isn't gong to solve the problem, and that leads to the next
6 question. And so now we have no regulations out there. There's
7 no landfill regulations that I can see, and what else could be
8 placed there. Now that we have no regulations, it's an
9 industrial waste landfill.

10 So that's really scary. It's really scary. So you
11 know, just things -- questions to keep asking. I don't think the
12 discussion is over even though the vote has been made.

13 CHAIRMAN EVANS: Thank you.

14 Anyone else wishing to address the Commission?

15 MR. RON HOLLOWAY: My name's Ron Holloway.
16 I've been a resident of Labadie for 19 years. Recently purchased
17 a house in Wildwood.

18 I have to parrot a little bit of what Eric Reichert
19 said and my wife earlier. I'm very disappointed in this
20 Commission and every one of you.

21 You've heard testimony. You've listened to --
22 you've read all the documentation, and I really would strongly
23 suggest that all of you consider resigning from this Commission
24 because you obviously don't have your hear tin it. If you did,
25 you would have at least bothered to ask an intelligent question

1 tonight instead of just rubber-stamping this on through and
2 getting it off of the table and off of your plate.

3 I think that is -- was an insulting comment that was
4 made earlier just to get it away from your Commission here and
5 push it on to somebody else is inexcusable, and you really should
6 all consider resignation.

7 Thank you.

8 CHAIRMAN EVANS: All right. Since I made
9 that comment, I'll expand on it.

10 When we're sitting here, it's a recommendation to
11 the Commission. While we have it, the only input since these
12 amendments were presented by the County Council, that is the only
13 source we have for information.

14 We do not have a public hearing, and we cannot ask
15 anyone any questions about anything.

16 The lawsuits that are out there, we have nothing to
17 do with. The memorandum that exists, some of the Commissioners
18 still haven't seen that. So procedurally, we were required to
19 look at these, but we are sitting in a black hole, and I think we
20 all felt the best way to remedy that was to move this on to the
21 Commission where you do have a public hearing where both sides
22 can voice their concerns and present information. That is not
23 possible under the procedures we have tonight.

24 And speaking for myself, and not any of the others,
25 I did not make a decision based on any pressure from anyone.

1 MS. EAGAN: Bill, I would like to say the
2 eight and a half years I've been here, this is probably the best
3 Planning and Zoning Commission that I've seen. We actually do
4 have people on here that read their packet and do ask questions.

5 So I would disagree with people saying that you're
6 an embarrassment and that you guys don't do your jobs. I think
7 you guys are some of the best commissioners we've had on this, at
8 least in the past eight and a half years I've been here.

9 So thank you.

10 CHAIRMAN EVANS: Anyone else wishing to
11 address the Commission?

12 MS. JANE KING: I'm from St. Louis County.
13 I've been coming to these hearings for six years. I have a
14 drawer full of file folders about heavy metals leaching out of
15 landfills made of coal ash. I've been to hearings in different
16 cities with the Environmental Protection Agency, and I've heard
17 from communities where the people had to start buying bottled
18 water.

19 If you ran for office and you wanted to be on
20 Planning and Zoning, then you made a promise to the people to
21 listen to them, to listen to their concerns. We're just people.
22 We drink water out of Missouri River. It's in a floodplain. The
23 -- I'm amazed that we've been able to stand up to Ameren Electric
24 and the powers that be for as long as we've been able to, but I
25 feel disappointed tonight.

1 I'm not going to shame you or anything, but have you
2 listened to people's concerns about what this is going to do to
3 the water to put the citizens at risk? Half of the state of
4 Missouri, half of Eastern Missouri drinks water from that river.
5 Those landfills aren't safe. Coal ash isn't safe. You're -- you
6 know, you can hire experts from one side or the other, but people
7 are really upset about this.

8 People came here tonight. You had people in their
9 80s and you had people who brought children, and I just really
10 wonder if you're listening to them, and why didn't you -- you
11 didn't take time with the amendments. I -- I'm -- as a St. Louis
12 County resident, I feel like I hope we have another route to take
13 because you didn't protect one Missouri citizen by your actions
14 tonight.

15 CHAIRMAN EVANS: Thank you.

16 Anyone else wishing to address the Commission?

17 MS. REPORTER: I need just a moment.

18 [Off the record]

19 MS. PETRA HAYNES: My name is Petra
20 Haynes, and I live in Labadie. And what I would like to bring to
21 your attention at this time is -- maybe some of you saw this.
22 There was an article in "USA Today", I think a couple of days
23 ago. Actually it was an open letter of apology by Duke Energy.
24 And as you probably know that there was a coal ash land -- coal
25 ash spill in, I think, February of this year, in North Carolina.

1 Duke Energy, it was a site that they manage and own,
2 and this letter that was published in "USA Today" a couple of
3 days ago was actually an open letter of apology by Duke Energy to
4 the affected communities. They took full responsibility. They
5 are being fined a huge amount of money. I think it was \$68
6 million, and of course, have to do restitution, clean up,
7 whatever it takes, whatever can be done because what can be done
8 once something like this happens is actually limited.

9 Some of the damage, a lot of the damage that occurs
10 actually cannot be reversed, and people like the previous person
11 said, are on bottled water. Suddenly entire communities are
12 being destroyed.

13 Now, you could argue that what happened there maybe
14 wasn't identical to the site that we're talking about and what
15 could potentially happen in Labadie. But there are lots of
16 commonalities, and that is that there is coal ash, which we know
17 to be toxic, being stored near communities and coming into
18 contact with groundwater. And that is a really terrible and very
19 scary thing, and don't make the mistake to think that that could
20 not happen in Labadie. It very much could happen in Labadie.

21 North Carolina is introducing legislation to make
22 really sweeping changes to the way coal ash is going to be
23 managed in that state, which is appropriate. But what I found
24 most compelling was at the end of the letter, the letter of
25 apology by Duke Energy, I think they closed with a sentence that

1 said we hope that other communities -- or that we hope that
2 others will learn from our mistakes.

3 And I think that's very profound, and I think you
4 should really consider that.

5 Thank you.

6 CHAIRMAN EVANS: Thank you.

7 Anyone else wishing to address the Commission?

8 MS. CAROL MOE [phonetically]: My name is
9 Carol Moe. And I have been a Labadie resident, technically still
10 am. Moved away to live with my mom to care for her because she's
11 91 years old, and I moved to the Maryland Heights area.

12 I've been following this issue for many years since
13 the start. When I lived in Labadie, I belonged to the book club,
14 and we became aware of the issue, and we started following it,
15 and we thought that we would take advantage of our right to speak
16 and research, and from the beginning, a lot of people have known
17 it was a bad idea.

18 We were told we couldn't talk about certain issues
19 in public hearings, and the whole time that this has been going
20 on, I've always felt like we're being stepped on and stopped and
21 not protected.

22 And I wanted to quote-- well, first of all, I wanted
23 to see if you guys follow the national news or read "National
24 Geographic" because all these issues have been addressed for
25 years, and coal ash and landfills have been dangerous for years,

1 and the fact that you would even consider from the beginning
2 letting something like this come into the community when existing
3 pollution out there has already been causing illness, is
4 despicable.

5 I mean, one of the major topics that the "National
6 Geographic" covers all the time, "Our Good Earth -- the Future
7 Rests on the Soil Beneath Our Feet, Can we save it?"

8 Have you thought of that? One of the things that I
9 want to point out is that in the beginning, we did a petition.
10 We went around to people, not just in Labadie, but in St. Louis
11 and all over the place and asked them, "Do you think it's a good
12 idea to put this sort of project in a floodplain?"

13 And unanimous response was no. And one of the
14 things that stands out in my mind is an individual who worked at
15 that power plant and signed the petition and took the time to
16 make a comment about the illness he had experienced as a result
17 of the toxins he had been exposed to by working at that plant.
18 And the fact that he hoped nothing like that would ever happen to
19 any other human being.

20 I doubt if any of you ever took the time to read any
21 of the comments that were made when those petitions were signed,
22 but I think that you should.

23 And to even have considered this project from the
24 beginning, you're all nuts.

25 CHAIRMAN EVANS: Thank you.

1 Anyone else wishing to address the Commission?

2 MS. TRUDY GRAVES: Good evening, ladies
3 and gentlemen. My name is Trudy Graves. My mailing address is
4 Union. I actually live in unincorporated Jeffreysburg. I wanted
5 to thank you all for the time that you take to serve on this
6 committee.

7 And I'd like to ask you all. I understand that your
8 explanation was that you voted to pass this along to the
9 Commissioners so that there can be a public hearing because you
10 were operating in a black hole. And I understand that, that
11 reasoning. I know it has to be frustrating.

12 I grew up in Vermont. So our government in the
13 state of Vermont is incredibly different than it is here. I have
14 no idea how you're able to function, and I applaud you for making
15 the effort to try and come up with a system that works for
16 everybody. And I would ask you all to please consider when this
17 goes to the Commissioners and there are those public hearings,
18 please bring up the fact as a citizen that you felt frustrated,
19 that you felt that you were operating in sort of a black hole, a
20 lack of information that you were not able to ask questions.

21 I'm tremendously concerned about the fact that there
22 is going to be the possibility of known contaminants being put on
23 the floodplain. And I know that they're trying to design it so
24 that heaven forbid it doesn't happen, but we all know Mother
25 Nature doesn't cooperate all that well.

1 And I remember the flood that came through here in
2 Union. No one expected that to happen. No one expected St.
3 John's when it went through Washington, no one expected that to
4 happen. The unexpected happens sometimes, so I would ask you if
5 you have any concerns, to please bring them up at that point.

6 Thank you very much.

7 CHAIRMAN EVANS: Thank you.

8 Anyone else wishing to address the Commission?

9 MS. KAREN RANGEL: Hi, my name is Karen
10 Rangel. I live in St. Louis County, and I've been following this
11 all along.

12 There's been a lot said. You guys have been beat up
13 a lot. My biggest -- the biggest thing that I can say is I'm
14 just disappointed in the decision. I'm disappointed that you
15 were guided by Mr. Vincent's words with things that this is --
16 these regulations are irrelevant and things like he said, "No, I
17 just made that up."

18 That's really scary. This is a potential danger to
19 the entire St. Louis area. Quite frankly, I'm kind of selfish
20 about my drinking water. I like the drinking water, and I'm sure
21 everybody else does. And I also feel that this particular
22 outcome you've told the entire community of this metropolitan
23 area we're disposable and given us the giant foam finger.

24 CHAIRMAN EVANS: Thank you.

25 Anyone else wishing to address the Commission?

1 MR. KEN LICTAFELD [phonetically]: Hi, I'm
2 Kenneth Lictafeld. I've been sitting there listening to this. I
3 haven't been following it for the six years. I'm a Franklin
4 County resident. I live west of town, but I do know one thing.
5 Landfills suck. They leak. I worked at Boeing for 28 years, and
6 you could smell Webers landfill every night.

7 And I know you guys are saying well, this is just
8 one incident. But when they come for the -- Weber and them come
9 for another special use permit, you know, we won't have any
10 precedence to stand on. You've let it happen, and they'll push.
11 And we'll add another trash mountain in Franklin County, just
12 like they have in St. Louis County, just like they have over in
13 Illinois County, you know.

14 You guys say you operate in a vacuum. Say it's a
15 black hole. I know you all have ears, you know. You've heard
16 your people around. Mr. Vincent said he was military. I'm
17 former military, served in the Marine Corps. And when you say
18 armored, armored what we hoped for our servicemen is that they're
19 going to be protected, and that it isn't going to happen. But we
20 all know there's no way to absolutely protect.

21 You know, look at all the upgrades we paid on our
22 Hum-Vs, you know, because they found ways around it. Mother
23 Nature will find a way around this too. I don't care how much
24 armor you put on it, and if it's concrete over ash, it's still
25 concrete over ash, even if it is concrete and it could well up

1 underneath.

2 There's been many of these industrial accidents
3 around the world where mining sites, they filled their land with
4 the slag, and then they left. The left the communities there.
5 Well, these companies are gone, but when they failed, it was the
6 communities that suffered, and it was the governments that paid
7 for those repairs that were made.

8 The vacuum excuse I don't take. I know everybody
9 here has heard everybody around them. Like I said, I haven't
10 followed this from the beginning. I haven't been involved all
11 six years, but it's gotten loud enough that I'm here today, and
12 like everybody else, I'm very emotional about being up here and
13 speaking with you guys. But I'm that concerned about it. I feel
14 it's that important. Vote your consciences what this really is.

15 You know, you passed it on. Well, pass on our
16 concerns as well.

17 Thank you.

18 CHAIRMAN EVANS: Thank you.

19 And again, my analogy of a black hole obviously is
20 being, I think, taken wrong, and the vacuum is in this procedure
21 the information that we have access to. We all have ears, but
22 procedurally we can only do certain things. And the information
23 that we have is from the County Council.

24 And by moving it on, once again, it will get into
25 the public forum, and I can't see why anybody would possibly want

1 to keep it here or want this tabled because basically they're
2 gagging themselves unless there's some other agenda.

3 Anyone else wishing to speak to the Commission?

4 MS. PATRICIA SCHUBA: Good evening, my
5 name is Patricia Schuba, and I live in Labadie.

6 I too am disappointed in tonight, but I understand
7 your role in the process and our role in the process and what
8 will happen in front of the Franklin County Commission.

9 What I had hoped for were a few more questions,
10 thoughtful questions, given the fact that this has been a -- in
11 the P&Z Commission before, and discuss there are certain things
12 that would come to mind, and there's a lot in the news right now.
13 And I think Petra Haynes alluded to that, what's happened to Duke
14 in North Carolina.

15 When a state actually tests their groundwater for
16 contamination, they find it. Not only in North Carolina, but in
17 our neighboring state Illinois, that was the case. When the
18 governor asked for comprehensive groundwater monitoring around
19 all the sites in the state, they found contamination.

20 What I wanted to point out is that there's not just
21 contamination around pounds. There's contamination around
22 landfills, and if any of you follow our facebook page, you'd know
23 this. Not that I'm saying you have to, but if you read that
24 facebook page, I posted a list of landfills predominantly that
25 were EPA damage cases. That means they're proven in a court of

1 law that toxins have been found in the groundwater.

2 And some of them include the Gibson Generating
3 Station in Princeton, Indiana. Wells down gradient of the CCR
4 landfill have been shown to have arsenic exceeding -- sorry, I'm
5 on the cell phone -- the limit of 50 micrograms per liter.

6 The Indiana Department of Environmental Management
7 has not taken official action.

8 The Marritz [phonetically] Brandywine Coal landfill
9 in Brandywine, Maryland. Levels of cadmium as high as 500
10 micrograms per liter and on-sight groundwater significantly
11 exceed the Appendix 1 MCL of 10 micrograms per liter.

12 There's a site in Michigan. Arsenic over 400
13 micrograms per liter detected in groundwater near the landfill
14 and beyond property lines.

15 Progress Energy, North Carolina and Duke Energy's
16 Bellows Steam Station, which is now pretty famous because it's
17 been in the news. Same situation.

18 So anybody who reads the paper or Googles coal ash
19 and contamination can find this information. So what do we know
20 now?

21 Duke Energy had to post its apology as part of the
22 settlement the other day, and we know that there are at least 150
23 residential wells tested near Duke's dumps that have failed to
24 meet state groundwater standards, and residents have been advised
25 not to use their water for drinking or cooking. Many of the

1 results have shown troublesome levels of toxic heavy metals like
2 lamydium and hexadrone chromium, both of which can be contained
3 in coal ash.

4 And that was the article that I provided to each one
5 of you at the last meeting. And then you received a letter from
6 consultants of Ameren's saying that that wasn't significant.
7 Now, why wouldn't that be significant? We think it's
8 significant, and that's because coal ash leaches into water.

9 So when you eliminate from your regulations the
10 2-foot requirement, in your own regulations, not knowing if the
11 State can enforce their regulations or if the EPA will be able to
12 enforce their regulations, you have dumped us in the river and
13 said go down the river.

14 That's what I feel, because these are things that
15 we're here at the local --

16 CHAIRMAN EVANS: [Interposing] If you
17 would, finish up, please.

18 MS. SCHUBA: Yeah. At the local level,
19 we're here to protect the local people, and tonight you should
20 have asked the questions, not blanketly accepted the explanations
21 given.

22 But I do appreciate your service because we're each
23 citizens, and I appreciate that.

24 Thank you.

25 CHAIRMAN EVANS: Thank you.

1 Anyone else wishing to address the Commission?

2 [None]

3 If not, the Chair would entertain a motion to
4 adjourn.

5 COMMISSIONER BOLAND: So moved.

6 COMMISSIONER CUNIO: Second.

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

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER CUNIO: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER BOLAND: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER SCHULTEHENRICH: Aye.

17 COMMISSIONER McCREARY: Aye.

18 CHAIRMAN EVANS: Opposed? [None]

19 The meeting is adjourned.

20 (Thereupon, the proceedings concluded at

21 8:36 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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