

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 AUGUST 15, 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

1	I N D E X	
2	PROCEEDINGS	PAGE
3	Call to Order and Roll Call	5
4	Hearing Procedures by Ms. Eagan	6
5	Approval of Minutes (From July 18, 2017)	8
6	Communications and Visitor Comments	10
7	H E A R I N G S	
8	Old Business:	
9	(None)	
10		
11	New Business:	
12	File No. 170156 - Kristen Armistead:	
13	Presentation by Ms. Eagan	12
14	Presentation by Applicant	14
15	Presentation by Opposition	29
16	Rebuttal by Applicant	43
17	Discussion	45
18	Moved to Old Business	60
19	Vote	84
20		
21	Preliminary Plats:	
22	File No. 170075 - Carla Theissen:	
23	Discussion	61
24	Tabled	62
25		

1	I N D E X	
2	(Continued)	
3	PROCEEDING	PAGE
4	File No. 170135 - Decker Road Development:	
5	Presentation by Ms. Eagan	62
6	Presentation by Applicant	65
7	Discussion	72
8	Vote	82
9		
10	Planning and Zoning Commission Forum	85
11	Planning Director's Report	88
12		
13	Adjournment	88
14	Certificate of Reporter	90
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S		
2	IDENTIFICATION	DESCRIPTION	PAGE
3	COUNTY:		
4	EXHIBIT A	Franklin County Unified Land Use	7
5		Regulations	
6	EXHIBIT B	Official Zoning Map	7
7	EXHIBIT C	Official Master Plan	7
8	EXHIBIT D	Case Files -- All Cases Heard	7
9			
10	(All exhibits, if any, were retained by the Commission,		
11	and will not be attached hereto.)		
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

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A P P E A R A N C E S

PLANNING AND ZONING COMMISSION MEMBERS:

- William Evans, Jr., Chairman
- Timothy Reinhold, Commissioner
- Stanley Voss, Commissioner
- Bill McLaren, Commissioner
- Ray Cunio, Commissioner
- Ron Williams, Commissioner
- Todd Boland, Commissioner
- Dan Haire, Commissioner
- Tom Tobben, Commissioner
- Russell McCreary, Commissioner

PLANNING AND ZONING STAFF:

Ms. Scottie Eagan, Planning Director

LEGAL COUNSEL:

Mark Vincent, County Attorney

MIDWEST LITIGATION SERVICES:

By: Patsy A. Hertweck, C. R.
711 North Eleventh Street
St. Louis, Missouri 63101
(314) 644-2191

1 P R O C E E D I N G S
2 {AUGUST 15, 2017)
3 CHAIRMAN EVANS: I'd like to
4 call to order the Tuesday, August 15th meeting of the
5 Franklin County Planning and Zoning Commission.
6 Scottie, if you'd please, take roll.
7 MS. EAGAN: Bill Evans?
8 CHAIRMAN EVANS: Here.
9 MS. EAGAN: Jay Schulteheinrich?
10 COMMISSIONER SCHULTEHENRICH:
11 (Not present.)
12 MS. EAGAN: Todd Boland?
13 COMMISSIONER BOLAND: Here.
14 MS. EAGAN: Tim Reinhold?
15 COMMISSIONER REINHOLD: Here.
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: (Joined
22 the meeting later.)
23 MS. EAGAN: Stan Voss?
24 COMMISSIONER VOSS: Here.
25 MS. EAGAN: Dan Haire?

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Russell McCreary?

3 COMMISSIONER McCREARY: Here.

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Okay. We have a

7 quorum.

8 CHAIRMAN EVANS: Thank you.

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

14 (NONE)

15 If there's no declarations, Scottie, would
16 you please give us the presentation of the meeting
17 procedures and exhibits.

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

21 Some matters on the agenda may be for
22 action by the Planning and Zoning Commission. These
23 matters do not involve public hearing. Other matters
24 on the agenda require public hearings under Missouri
25 law. If a matter involves a public hearing, all

1 individuals who desire to testify will be given an
2 opportunity to do so.

3 At this time, I would like to place into
4 the record these Regulations as Exhibit A, the official
5 Zoning Map as Exhibit B, the official Master Plan as
6 Exhibit C, and the case file for each case as Exhibit D
7 for all the cases to be heard during the meeting.

8 [Thereupon, evidence was marked
9 for identification and presented for
10 the record as Planning and Zoning
11 Exhibits A, B, C, and D.]

12 All Old Business items on the agenda will
13 be dealt with first.

14 Once the Old Business issues have been
15 taken care of, each item of New Business will be
16 opened.

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

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

25 When it is your turn to speak, you will

1 come to the front of the room to address the Commission
2 and only the Commission, not anyone in the audience,
3 with your comments.

4 It is possible for the Planning Commission
5 to decide to move a New Business issue to Old Business
6 and vote on it the same night.

7 At the conclusion of all questions,
8 comments, and discussion concerning each case, the
9 Planning Commission will proceed. Any final decision
10 by the Planning and Zoning Commission concerning
11 conditional use permits may be appealed to the Board of
12 Zoning Adjustment any time within 90 days.

13 Applications for such an appeal may be
14 acquired from the Department offices during normal
15 business hours.

16 CHAIRMAN EVANS: Thank you.

17 All of the Commissioners should have
18 received a copy of the July 18th minutes. If there are
19 no corrections, additions, comments...

20 I did notice or it was pointed out to me
21 on page 6 the roll call that -- when Tom Tobben's name
22 was called, Ray Cunio's was put in as not present, and
23 he was also not present. So it appears you weren't
24 here twice last month.

25 COMMISSIONER CUNIO: I was not

1 even here last month.

2 COMMISSIONER TOBBEN: Good

3 catch, Bill. I didn't catch that.

4 COMMISSIONER McCREARY: Oh,

5 yeah, I see that.

6 CHAIRMAN EVANS: Both of you

7 weren't here. So...

8 COMMISSIONER TOBBEN: Yeah.

9 CHAIRMAN EVANS: Any other

10 corrections?

11 (NONE)

12 If not, the Chair would entertain a motion

13 to approve the minutes.

14 COMMISSIONER HAIRE: I move to

15 approve the minutes from 7/18.

16 COMMISSIONER BOLAND: Second.

17 CHAIRMAN EVANS: We have a

18 motion and second to approve the July 18th minutes.

19 All in favor signify by saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 CHAIRMAN VOSS: 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 McCREARY: Aye.

4 CHAIRMAN EVANS: Opposed?

5 (NONE)

6 Minutes are approved.

7 Communications and Visitors Comments. Is
8 there anyone present who wishes to address the
9 Commission?

10 Will you please state your name and
11 address and sign in, please.

12 MS. JACKIE GOSKLOS: Jackie
13 Gosklos, 624 Decker Road.

14 CHAIRMAN EVANS: Okay. And
15 comments are limited to three minutes.

16 MS. GOSKLOS: I attended the
17 meeting last month, and was surprised that the proposed
18 entrance to a future project is directly across from
19 our driveway -- directly across from our property.

20 I'd like to note that that was never
21 mentioned in the presentation. It seems relevant when
22 we're talking about safety issues.

23 My family purchased the property three
24 years ago, and we pretty quickly realized how dangerous
25 it is when we pull out. When we access the property,

1 we drive to the edge of the driveway, we roll down the
2 windows, we shut off the air, the radio. We lean out
3 the window. We listen for cars. If we don't see
4 anything we carefully go forward, beep the horn, and
5 then quickly turn. And turning to the left is much
6 more perilous than to the right.

7 Anybody that lives on Decker knows that
8 the cars race up and down that road. There are skid
9 marks and tire tracts at every curve and on most of the
10 hills. So I think if we're genuinely all concerned
11 about public safety, there needs to be a current
12 assessment of traffic volume on Decker Road, not 2010's
13 statistics. We also need to compare it to the
14 comparable road, not Highway T.

15 There was a mention of other options for
16 the entrance, but those were dismissed. I would hope
17 that those will be revisited. If you go north 3/10 of
18 a mile on Decker, you will come to a straight area
19 where the sight lines are much improved. I believe
20 that as we go forward or those involved go forward with
21 the proposed entrance, you're going to take a bad
22 situation and only make it worse.

23 Thank you.

24 CHAIRMAN EVANS: Thank you.

25 Anyone else wishing to address the

1 Commission?

2 (NONE)

3 If not, we'll move on to Old Business,
4 which we have none.

5 New Business. File 170156, Kristen
6 Armistead. Scottie, will you please give us the
7 details.

8 MS. EAGAN: This is File 170156.
9 The applicant is Kristen Armistead.

10 The applicant is requesting to operate
11 motor vehicle service to include installation of parts,
12 repair and maintenance, as well as towing/hauling in
13 the Non-Urban and Agricultural zoning district.

14 The property is located at 991 Turkey
15 Ridge Road, approximately 8/10 mile northwest of Dry
16 Branch Road, in Central Township.

17 The Facts: The request for the
18 conditional use permit contains two parcels totaling
19 approximately 25 acres.

20 The zoning of this property is Non-Urban
21 and Agricultural. In this district, Motor vehicle
22 service to include installation of parts, repair and
23 maintenance, require a conditional use permit.

24 If the applicant also wished to run a
25 towing/hauling business at this location, that would

1 not be permitted in this zoning district.

2 Towing/hauling businesses would fall under the sale and
3 rental of goods, merchandise, equipment, and services.

4 The properties around the proposed site
5 are zoned Non-Urban and Agricultural.

6 This property is surrounded by low-density
7 residential land and undeveloped land.

8 This property has access to Turkey Ridge
9 Road, which is a County-maintained road.

10 Turkey Ridge Road has a right-of-way width
11 of 30 feet.

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

16 All conditions shall be completed within
17 one year of approval unless otherwise stated. Failure
18 to meet all conditions may result in the application
19 expiring.

20 All new and/or existing entrances onto
21 Turkey Ridge Road will need to be examined by the
22 Franklin County Highway Department for a commercial
23 entrance.

24 Planning and Zoning shall receive a copy
25 of the permit prior to the applicant commencing any

1 activities on the property.

2 Parking and parking service shall be
3 provided in accordance with the Franklin County Land
4 Use Regulations.

5 In this area, Turkey Ridge Road has a
6 right-of-way width of 30 feet. According to the
7 East/West Gateway Functional Classification of
8 Roadways, this road is a local road, and it is designed
9 to have a 50-foot right-of-way width. Because this
10 road is designed to have a 50-foot right-of-way width,
11 the applicant should dedicate an additional 5 feet of
12 right-of-way -- sorry, it should be 10 feet of
13 right-of-way for a total of 25 feet from the center
14 line.

15 On August 8th, the owner of this property
16 was sent a violation notice for Material Public
17 Nuisances, including junk debris, rubbish, tires, and
18 derelict vehicles.

19 CHAIRMAN EVANS: Thank you.

20 Is the applicant present?

21 MS. KRISTEN ARMISTEAD: I am.

22 CHAIRMAN EVANS: Will you please
23 state your name and address and sign in.

24 MS. ARMISTEAD: Kristen
25 Armistead, 991 Turkey Ridge Road.

1 (Thereupon, the witness was
2 sworn.)

3 CHAIRMAN EVANS: Will you please
4 give us some detail on what you're proposing.

5 MS. ARMISTEAD: Well, right now,
6 he's mostly doing off-site work, demolition and things
7 like that, where it's not on the property. But
8 eventually he would like to get into rebuilding custom
9 older late-model Fords.

10 I know we just -- I haven't received that
11 notice yet on the stuff, but we did just clear out a
12 large plot, two to three acre plot of land. Waiting on
13 it to dry to put gravel in so that nothing will be seen
14 from the road, and nobody will be able to see it.

15 CHAIRMAN EVANS: I have a
16 question, I guess, no vehicles to be seen from the
17 road.

18 Looking at the overhead, looks like you're
19 requesting the 25 acres, which would -- does go up to
20 the road, right?

21 MS. ARMISTEAD: Correct.

22 CHAIRMAN EVANS: Okay. Our
23 concern there would be that even though you're going to
24 put something that's not seen from the road, on a
25 conditional use permit, if we granted that enter area,

1 you could, in fact, put something up by the road.

2 MS. ARMISTEAD: Oh, okay. Okay.

3 I see what you're saying. I was just saying would
4 cleared that plot of land in the back for parking of
5 any vehicles or any end-loaders or anything where no
6 one would be able to see that from the road.

7 The garage, you can see it from the road,
8 but we wouldn't leave any vehicles or anything parked
9 where people can see them. And we will put a gate up
10 at the end of the road, and there will be surveillance,
11 and there will be regular business hours from 9:00 to
12 5:00.

13 MS. EAGAN: Can you get closer
14 to the microphone.

15 COMMISSIONER McCREARY: Yeah.

16 MS. ARMISTEAD: Oh, I'm sorry.

17 MS. EAGAN: If you need to, you
18 can pull it up.

19 COUNTY ATTORNEY VINCENT: Pull
20 it to you.

21 COMMISSIONER McCREARY: Pull it
22 to you.

23 MS. ARMISTEAD: Okay.

24 Is that better?

25 COMMISSIONER McCREARY: Much.

1 CHAIRMAN EVANS: Much better.

2 Do the Commissioners have any questions?

3 MS. ARMISTEAD: I apologize.

4 I'm sorry. I'm fighting a head cold.

5 CHAIRMAN EVANS: I guess one
6 other thing would be on the application you just showed
7 towing and hauling, and as Scottie had mentioned, that
8 would -- would not be permitted in this zoning
9 district.

10 MS. ARMISTEAD: Okay. And that
11 was something he had thought about in the future. So,
12 I mean, if we're not permitted to do that, okay. Maybe
13 we'll have to rent somewhere in town or something, you
14 know.

15 CHAIRMAN EVANS: Any other
16 questions?

17 COMMISSIONER McCREARY: Yeah, I
18 have a question.

19 Why -- you have two parcels. What are the
20 sizes, and why do you need the 25 acres?

21 MS. ARMISTEAD: We don't
22 necessarily need the whole 25 acres. It wasn't
23 explained to me. We've never done anything like this
24 before obviously, but it wasn't explained to me that we
25 could cut off a certain parcel specifically for the

1 business.

2 COMMISSIONER McCREARY: We just
3 looked at the aerial map. Is this the parcel, the
4 extra parcel, you're talking about?

5 MS. ARMISTEAD: Yeah.

6 COMMISSIONER McCREARY: So you
7 wouldn't need that. I mean, that's all the way to the
8 back and --

9 MS. ARMISTEAD: No, ut-uh. I
10 had -- I don't know if you can see it on there. I
11 had...

12 COMMISSIONER McCREARY: Yeah, is
13 this the actual parcel?

14 MS. ARMISTEAD: That's not what
15 I gave the gal, the copy.

16 COMMISSIONER McCREARY: Is that
17 it?

18 MS. ARMISTEAD: Yeah. That
19 right there, this is what we cleared out for parking
20 where you wouldn't be able to see it.

21 MS. EAGAN: Can you come back to
22 the microphone, please.

23 MS. ARMISTEAD: Should I --

24 COMMISSIONER McCREARY: Yeah.
25 Here, yeah. Take that.

1 MS. ARMISTEAD: Okay. On this
2 copy, it shows the garage and it shows a black line
3 about a rectangle here. That's the property that we
4 cleared for extra parking and things.

5 This back parcel right here, we won't need
6 that for the business, and I didn't know that you could
7 separate the two. I just put down everything that we
8 had, and that's what I was told to do.

9 MS. EAGAN: I don't know why you
10 guys are looking at me. I didn't talk to her.

11 MS. ARMISTEAD: No, I haven't
12 talked to her.

13 CHAIRMAN EVANS: So right now,
14 there are two separate parcels?

15 MS. ARMISTEAD: Correct.

16 COMMISSIONER McCREARY: So
17 basically, you're saying there's no need for the second
18 parcel to be included in the conditional use permit?

19 MS. ARMISTEAD: Correct.

20 COMMISSIONER McCREARY: Okay.

21 MS. ARMISTEAD: Okay. Thank
22 you.

23 COMMISSIONER McCREARY: Thank
24 you.

25 COMMISSIONER REINHOLD: Hey,

1 Bill, I have a question. Just for -- I just want to
2 make sure that I understand it.

3 If she has the whole thing zoned for
4 commercial, she would pay commercial taxes on the whole
5 thing, right?

6 MS. EAGAN: Well, it's --

7 CHAIRMAN EVANS: I don't know.

8 MS. EAGAN: It's not a zoning
9 issue that we're dealing with right now in terms of
10 changing the zoning of the property. You're taxed on
11 your use not on your zoning.

12 So if they're using the property as
13 commercial, yes, they will be taxes as commercial.

14 CHAIRMAN EVANS: And right now
15 she's saying that the -- they would take the towing and
16 the hauling out. So her rezoning would not -- not be
17 an issue then.

18 MS. EAGAN: For a conditional
19 use permit, is what we're on here.

20 CHAIRMAN EVANS: Right, right.
21 I'm just saying that she has that in there and said she
22 had the hauling -- hauling and towing that, but they're
23 taking that out. That it is just the straight CUP.

24 Any other questions?

25 COMMISSIONER BOLAND: Ma'am, you

1 kept talking about somebody else. I guess it's your
2 husband. I mean, why didn't he apply for this?

3 MS. ARMISTEAD: He's just not
4 very good at public speaking or -- he's the muscle.

5 COMMISSIONER BOLAND: Okay.

6 And you had --

7 MS. ARMISTEAD: He is on there.
8 On the LLP, he is on there as a manger.

9 COMMISSIONER BOLAND: Okay. So
10 -- so --

11 MS. ARMISTEAD: He -- he has
12 rights to everything.

13 COMMISSIONER BOLAND: But he's
14 the own -- he's the one who's operating this business?

15 MS. ARMISTEAD: Well, I mean,
16 he's the one that will be doing the -- the muscle work,
17 and I'll be the one doing the bookkeeping and
18 accounting and, you know, things of that nature, and
19 taking calls and appointments and such.

20 COMMISSIONER ARMISTEAD: And on
21 August the 8th, you got a violation, but you said
22 you...

23 MS. ARMISTEAD: I have not
24 received that yet. I was not aware of that.

25 COMMISSIONER BOLAND: Is that

1 just a letter, Scottie?

2 MS. EAGAN: It's just sent out
3 regular mail. It was mailed out on August 8th.

4 MS. ARMISTEAD: So I should have
5 got that by now. I haven't checked the mail today.
6 But I would not be surprised by that. There is a
7 number of vehicles parked out in view, and that is why
8 we cleared that back part where nothing will be able to
9 be seen.

10 MS. EAGAN: The types of
11 vehicles you have on your property though, won't be
12 allowed on your property whether we can see them or
13 not. Any type of vehicle that's derelict or in a major
14 state of disassembly or disrepair is a violation of our
15 Code to have on your property.

16 MS. ARMISTEAD: So we can't
17 build a truck on our property, is what you're saying?

18 MS. EAGAN: If you have multiple
19 vehicles that are in that state, you would be sent a
20 violation notice.

21 MS. ARMISTEAD: Okay. I
22 understand.

23 MS. EAGAN: So if you -- if you
24 have a vehicle that you're working on in your garage
25 and you only bring in parts from other places, that's

1 fine. But if you bring in other vehicles and start
2 taking them apart there to use those parts, that's not
3 permitted per our Code.

4 MS. ARMISTEAD: Oh, okay. Okay.

5 CHAIRMAN EVANS: To clarify, you
6 have the garage there, and that's also your residence
7 -- is there also?

8 MS. ARMISTEAD: Yeah. Yeah.

9 CHAIRMAN EVANS: An existing
10 garage?

11 MS. ARMISTEAD: Correct.

12 CHAIRMAN EVANS: And you know
13 that on here you have 0 to 1 employees.

14 MS. ARMISTEAD: Correct.

15 My husband, Glen, they told me he wouldn't
16 be counted as an employee as such he is a member, a
17 manager on the LLC. So in the future if he got busy
18 enough, I just put one in case he needed to hire
19 somebody in the future. But it wouldn't be more than
20 one person, and probably not even that for the next few
21 years until he gets going.

22 CHAIRMAN EVANS: Okay. Our
23 concern is how many people will actually be there
24 working, whether they're the manager or the mechanic or
25 -- how many people will be on premise for work?

1 MS. ARMISTEAD: One.

2 CHAIRMAN EVANS: And you would
3 be doing the bookkeeping.

4 MS. ARMISTEAD: Correct.

5 CHAIRMAN EVANS: So two?

6 MS. ARMISTEAD: Oh, correct.

7 CHAIRMAN EVANS: Because what
8 you put on your CUP that would get approved, if you
9 would go over that number, you would be in violation.

10 MS. ARMISTEAD: Okay.

11 CHAIRMAN EVANS: So you may want
12 to thing about changing that too --

13 MS. ARMISTEAD: Okay.

14 CHAIRMAN EVANS: -- to another
15 number.

16 COMMISSIONER BOLAND: I -- I
17 don't want to jump to conclusions, but to -- I'd rather
18 see, since she's in violation already or whatever, I'd
19 rather see that violation be taken care of before we do
20 anything.

21 Otherwise, we're just adding to it, and I
22 know she hasn't received it yet, but we can -- you
23 know, I just think why add to the -- to it?

24 CHAIRMAN EVANS: Yeah, I agree.

25 I think this -- there's enough other issues here at

1 least to make her aware of that if she would become
2 compliant, because the other issue would be the fact
3 that that front parcel does front the road.

4 COMMISSIONER McCREARY: I have
5 another question.

6 In your letter, you said will be
7 installing a gate and surveillance. I take it, a gate.
8 There's going to be a fence. What type of fence, or is
9 it just a gate on the road?

10 MS. ARMISTEAD: Well, with the
11 ditches they way that they are on our property line, I
12 don't necessarily think that there's a big -- no one
13 could pull in through the big ditches and stuff.

14 COMMISSIONER McCREARY: Okay.
15 So it's just a gate on --

16 MS. ARMISTEAD: So just a gate.

17 COMMISSIONER McCREARY: -- on
18 the road, on the driveway?

19 MS. ARMISTEAD: Correct.

20 COMMISSIONER McCREARY: Okay.

21 MS. ARMISTEAD: Yeah.

22 CHAIRMAN EVANS: Any other
23 comments or questions?

24 COMMISSIONER McLAREN: I have a
25 question.

1 I just want to make sure I understand what
2 the -- that I understand and you understand what you're
3 asking for.

4 I originally read this, it was going to be
5 like an auto repair shop or a truck repair shop, but as
6 I listen to you, I'm not sure that's what you're
7 suggesting. So you would one more time for my sake,
8 tell me exactly what you're going to do there? Because
9 you said something about demolition and you said
10 something about skid steers, and some other things.
11 So...

12 MS. ARMISTEAD: Right.

13 COMMISSIONER McLAREN: And --
14 and then you said building late model Ford trucks. So
15 I'm not sure what building late model Ford trucks
16 means.

17 MS. ARMISTEAD: Taking an old
18 chassis and putting in a new motor and he can do
19 specialized, like a -- putting a Cummins motor in a
20 Ford truck and things of that nature. He can do like
21 custom-built. He can do fabrications, like making
22 bumpers, steel bumpers, things of that nature.

23 He wouldn't be doing, you know, a bunch of
24 oil changes or brakes or -- it would be --

25 COMMISSIONER McLAREN: So you're

1 building --

2 MS. ARMISTEAD: It would be
3 larger builds.

4 COMMISSIONER McLAREN: You're
5 building heavy trucks?

6 MS. ARMISTEAD: Correct.

7 COMMISSIONER McLAREN: And this
8 isn't part of a contracting --

9 MS. ARMISTEAD: No.

10 COMMISSIONER McLAREN: Okay.

11 MS. ARMISTEAD: Ut-uh.

12 CHAIRMAN EVANS: Any other
13 questions, comments?

14 COMMISSIONER McCREARY: I agree
15 with Todd that maybe we shouldn't do this until it's
16 cleaned up before we consider this. And she might want
17 to take a look at the parcels, and like Tim pointed
18 out, might wan to make some changes.

19 CHAIRMAN EVANS: Once you get
20 the notice of violation, how long do you think it will
21 take you to comply?

22 MS. ARMISTEAD: We could have it
23 done by this weekend because like I said, we already
24 cleared that plot of land. We were just waiting to get
25 gravel in it. We were going to do that last weekend;

1 however, it rained heavily and we weren't able to.

2 CHAIRMAN EVANS: Okay.

3 Ron?

4 COMMISSIONER WILLIAMS: I'm not
5 sure just moving the stuff on the property is going to
6 take care of the violations. I think what you need to
7 realize that you have violations there that you need to
8 physically take off the property.

9 MS. ARMISTEAD: Okay.

10 I mean, I got questions about that, what
11 exactly that they're talking about.

12 COMMISSIONER WILLIAMS: I
13 understand. I just wanted to clarify what the
14 discussion was. You said you wanted to move it. I got
15 -- I'm getting the indication, not even seeing the
16 letter or any information other than what I've heard
17 here tonight, is that you're going to have to remove it
18 from the property, whatever is in violation.

19 MS. ARMISTEAD: Yeah, I -- I --
20 absolutely, but I have to know what's in violation.
21 I'm just saying, whatever is not in violation could be
22 moved this weekend. I will do what -- you know, what's
23 right. We'll do what we need to do to correct the
24 situation.

25 CHAIRMAN EVANS: Any other

1 questions, comments?

2 (NONE)

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

5 MS. EAGAN: Are we going to
6 hear...

7 CHAIRMAN EVANS: Oh, I'm sorry.
8 Thank you very much.

9 MS. ARMISTEAD: Thank you.

10 CHAIRMAN EVANS: Is there anyone
11 else wishing to speak in favor? Anyone else wishing to
12 speak in favor of this CUP?

13 (NONE)

14 If not, anyone wishing to speak in
15 opposition?

16 Please state your name and address and
17 sign in.

18 MR. WILLIAM ECKELKAMP: I'm
19 William Eckelkamp, 200 West Main Street, Washington,
20 Missouri. I am an attorney at Eckelkamp, Kuenzel, L.
21 L. P., and I represent a whole slew of property owners
22 here that are in opposition to this conditional use
23 permit, and these property owners along --

24 (Thereupon, the witness was
25 sworn.)

1 Mr. Evans, like I was talking about, I
2 represent a whole slew of property owners here that are
3 in opposition.

4 MS. EAGAN: This will be
5 Eckelkamp 1.

6 (Thereupon, evidence was marked
7 for identification and submitted to
8 the record as Eckelkamp Exhibit No.
9 1.)

10 CHAIRMAN EVANS: And I will say
11 that in our open hearings, that the limit is five
12 minutes.

13 MR. ECKELKAMP: Okay.

14 CHAIRMAN EVANS: Please.

15 MR. ECKELKAMP: Like I was
16 saying, I represent a whole slew of property owners
17 along Turkey Ridge, and I'm their voice tonight. So if
18 I am just slightly over five minutes, I'll try to keep
19 it as quick as possible. I would appreciate a little
20 leniency.

21 I'm not up here to tell any personal
22 stories. A couple of these people may tell some
23 personal stories after I'm finished, but we decided
24 less is more, obviously.

25 If you look at this first page of the

1 exhibit.

2 Scottie, I don't know what you've marked
3 the exhibit as.

4 MS. EAGAN: Eckelkamp 1.

5 MR. ECKELKAMP: Eckelkamp 1.

6 This is what I'll represent to you is the Google Earth
7 aerial of the Armistead property in October of 2017,
8 which is most recent Google Earth image.

9 And you can see in that picture that there
10 are at least 16 derelict vehicles, if not more than
11 that. They are operating a junk yard at this point,
12 and a junk yard is not allowed by the County
13 regulations.

14 Looking back to October -- the next page
15 -- October of 2015, you can see that there was nothing
16 at that time. I'm not sure exactly what happened to
17 the Armistead property. I believe it changed hands,
18 maybe from a mother to a son, but sometime within the
19 last year, year and a half year, something had -- has
20 -- a drastic change has happened to that property, and
21 that that drastic change is that they are running a
22 junk yard. And it sounds to me, based upon her
23 testimony, that she still continues to plan to run a
24 junk yard.

25 If you flip to page 3 then, you're going

1 to start seeing some photos that I took a couple of
2 weeks ago. I believe these were on August 2nd, when we
3 drove past. These vehicles could all be seen from the
4 road of Turkey Ridge Road.

5 That first page, there is a van that is
6 clearly missing a portion of the front of it. On page
7 2, there is a maroon car with the hood popped and
8 multiple other vehicles there. Whether or not they are
9 not able to be run, I couldn't tell you, but they --
10 there are clearly more than one derelict vehicle
11 sitting there on August 2nd.

12 The third picture, if you look closely,
13 you can see a lot of vehicles sitting in the
14 background, and you can also see a truck that has its
15 bed removed, along with a stack of tires.

16 This is the type condition that these
17 people keep their property in on a daily basis. Now, I
18 think what she was talking about is she's planning on
19 moving it to the back of the property.

20 That still doesn't get you around the fact
21 that it is a junk yard.

22 Looking at the next page, at the top it
23 says "Overview of the Area". This is showing you where
24 -- where this property is. If you look on the
25 left-hand side, about the middle of the page, you'll

1 see Turkey Ridge Road.

2 Follow that spur that kind of goes up to
3 the right, and you can see a white rooftop. That is
4 the property that we're talking about, and you can see
5 there's nothing around it but houses and trees.

6 Putting a -- some sort of a mechanic's
7 shop or a commercial use in that spot is -- it's just
8 way out of the way, and to show you how far out of the
9 way. Flipping you to the first Google Map with the --
10 the blue line drawn on it, you'll see that from the
11 closest intersection on Highway 44 back to 991 Turkey
12 Ridge Road is 5.2 miles.

13 That's 5.2 miles out into the middle of
14 nowhere into the middle of people's homes.

15 The next Google Earth Map, to give you
16 some reference of what 5.2 miles is, shows you the
17 distance between Highway 50 and Highway 44 on 47, and
18 that is 5.6 miles. So not much further.

19 The next page shows you the distance
20 between Gray Summit and Pacific as being 4.9 miles,
21 significantly less here.

22 The next one is the entire length of Fifth
23 Street in Washington, which is 4.7 miles, almost half a
24 mile less.

25 The next one is from Bluff Road to South

1 Point Road in Washington, which is 4.6 miles. Again,
2 half a mile less, the entire length of Washington.

3 These people are expecting customers to
4 come out the entire length of Washington through the
5 middle of nowhere to service what? We don't know. We
6 all -- all we know is that they are currently not doing
7 what they're supposed to do and running a junk yard.

8 Now, along with that junk yard, some of
9 these people have told me -- and maybe they'll get up
10 here and say it themselves, but they're hearing noises
11 coming from that place at all hours of the night.
12 Either if that's disassembling the vehicles, working on
13 different things, I can't tell you. But they're
14 hearing all kinds of loud noises all throughout the
15 night.

16 They're also hear -- smelling the burning
17 of rubber. Are they burning tires in the back 25
18 acres? Are they burning wire and to get the copper?
19 We can't tell you, but there's something going on over
20 there that is probably not correct.

21 Flipping to the next page, is a Franklin
22 County Sheriff's Office incident report. You asked --
23 one of you guys asked the question why is it her and
24 not her husband that is sitting up here in front of you
25 and applying for this permit. And I'll tell you the

1 reason it is.

2 And the reason is that her husband has a
3 colorful history, especially on that property. If you
4 look down there on the first page of that incident
5 report, where I have highlighted, the reporting party
6 advised his neighbor, Glen Armistead was dragging
7 vehicles into the roadway. That's Turkey Ridge.

8 He is taking these derelict vehicles, and
9 dragging them out into the middle of the road where his
10 neighbors have a chance of running into them.

11 Going on, it says:

12 "Upon arrival, I noted a
13 red Chevy Blazer sitting in the
14 road, as well as the cab of a
15 Dodge pickup. It should be
16 noted I could smell intoxicants
17 coming from Mr. Armistead's person."

18 I guess the MO out there is to get drunk
19 and pull your derelict vehicles into the roadway.

20 The next page, Mr. Armistead was then
21 arrested on outstanding warrants. What those warrants
22 are, I can't tell you exactly. Unless you flip a
23 couple of pages back here, and you'll see that Mr.
24 Armistead is currently charged with misdemeanor
25 trespass.

1 CHAIRMAN EVANS: I would wrap
2 this up as soon as you can.

3 MR. ECKELKAMP: Absolutely. I'm
4 getting close.

5 As you can see from the Probable Cause
6 Statement, he entered onto a recycling center, and was
7 doing something after hours. Now, what that was,
8 again, the Washington County judge will have to
9 determine what that is.

10 Finally, the last pages here of my packet
11 talk about their son. Their son's name is Paul
12 Armistead, who also resides at the same residence.

13 Paul was charged with a C felony of having
14 a sawed-off shotgun. The Probable Cause Statement says
15 his father gave that to him.

16 These are the types of people that their
17 neighbors have to deal with. If we give them a
18 conditional use permit, you're legitimizing what is
19 going on out at that property.

20 These people have had to deal with this at
21 least for the last year, and it's not fair to the
22 residents.

23 CHAIRMAN EVANS: Please wrap it
24 up.

25 MR. ECKELKAMP: Yes.

1 The residents of Turkey Ridge adamantly
2 oppose this CUP. They fear for their safety on the
3 roads with the fact that he's dragging vehicles into
4 the middle of it. They fear for the safety of their
5 drinking water with all these derelict vehicles leaking
6 God knows what into the well system. And they fear for
7 the diminution of the value of their property.

8 Allowing this conditional use permit would
9 be significantly detrimental to the public health of
10 the residents, the safety of the residents, and the
11 general welfare of the residents.

12 Thank you.

13 CHAIRMAN EVANS: Thank you.

14 Commissioners have any questions for this
15 witness?

16 (NONE)

17 Anyone else wishing to speak in
18 opposition? Please come up and state your name and
19 address and sign in. And I'd request that when you are
20 testifying, hopefully you'll have new information.

21 MR. JACK POWELL: My name's Jack
22 L. Powell. I live at 970 Turkey Ridge Road. I also
23 own 986 Turkey Ridge Road, which is directly across
24 from the property. Probably a right to talk, so...

25 (Thereupon, the witness was

1 That's all I have.

2 CHAIRMAN EVANS: Thank you.

3 Anyone else wishing to speak in
4 opposition? All right. Please state your name and
5 address and sign in, please.

6 MR. WILLIAM SCHMITT: Yeah,
7 William Schmitt. 653 Highway WW.

8 (Thereupon, the witness was
9 sworn.)

10 Now I'd like to bring up the fact that
11 these cars that are currently parked there are visible
12 from my property at 1051 Turkey Ridge.

13 It was my wife's parents' home. Our
14 granddaughter lives there currently with her two
15 children, and frankly, she's scared to death out there
16 because of everything that's going on. There's cars in
17 the road, and Franklin County is practically beating a
18 path to their door.

19 So all the other concerns are well noted,
20 so that's about all I have to tell you.

21 CHAIRMAN EVANS: All right.
22 Thank you.

23 Is there anyone else wishing to speak in
24 opposition? Please state your name and address and
25 sign in.

1 MR. MARK POWELL: Mark Powell,
2 960 Turkey Ridge Road.

3 (Thereupon, the witness was
4 sworn.)

5 I want to try say just what wasn't said
6 yet. I've lived out here on Turkey Ridge for most of
7 my life. My great-great-grand folks, Wes and Annie
8 Armistead, settled here in the late 1800s. Mom and Dad
9 bought the original homestead, and my mother had a
10 vision to restore it, as we did.

11 The original log cabins sits in sight
12 still this day. My Uncle Claude's cabin is right up
13 the road, was up the road, and the folks out here have
14 tried so hard to restore their houses in that log cabin
15 theme, and they've restored a lot of it.

16 This is our heritage, and this is a
17 century farm is what it is. I haven't applied for it,
18 but I haven't got it in the mail. They don't do that
19 till later on. And they're going to put a junk yard
20 right in the middle of it. It's just not right.

21 The noise, the traffic is non-stop, day
22 and night. We've already heard that. And the newly
23 poured chip and seal road is not made for -- made for
24 it. At any time, you can drive up and down the road
25 and see the rock and gravel and parts that fall off the

1 trailers when they're hauling -- hauling junk cars in.

2 Excuse me, I'm trying to -- and I know in
3 my heart that the men and women that came before us,
4 Wes and Annie, Les and Jen, Cecil and Irene, Tony and
5 Doris and many more, would not approve one bit.

6 Folks out here have worked so hard so
7 their kids and their kids and their kids would have a
8 place to gather, whether it be hunt mushrooms, wild
9 game, or sitting on the banks of the Bourbeuse River.

10 I was walking the other day with my son
11 picking up arrowheads, as my granddad did and his
12 granddad did. It's sad for me to think what will
13 become of this area if there's none reserved.

14 We are not trying to deprive anyone from
15 making money or start a new business. We are just
16 saying not here, not never.

17 CHAIRMAN EVANS: Thank you.

18 Anyone else wish to speak. Please state
19 your name and address and sign in, please.

20 MR. ROBERT JACKSON: Yes.
21 Robert Jackson, 3334 East 109 Street, Tulsa, Oklahoma.

22 (Thereupon, the witness was
23 sworn.)

24 Yes, I think the -- the concern that I
25 have is very similar to the concerns that the other

1 people in opposition have expressed.

2 When we got the notice, it did not seem
3 clear to me what the use for the property would be. I
4 have very deep concerns like the others that it will be
5 a junk yard.

6 Moving the cars to the rear of the
7 property, in my opinion, does not mitigate that at all.
8 We have surrounding property, and a junk yard can be
9 seen from every angle other than the road.

10 So I simply think that this community has
11 enough junk yards. We don't need another one.

12 Thank you.

13 CHAIRMAN EVANS: Thank you.

14 Anyone else wishing to speak in
15 opposition?

16 (NONE)

17 Okay. If not, does the applicant have any
18 rebuttal, anything else they'd like to say?

19 MS. ARMISTEAD: I hear a lot of
20 personal issues that really shouldn't have anything to
21 do with running a custom build or repair shop. But I
22 will comment that my stepson, Paul, has not had
23 residence there for over a year now.

24 I will also comment. We are not running a
25 junk yard, and -- and we are going to work to get

1 things that aren't supposed to be there, and the rest
2 of it picked up and clear up and have it -- I want my
3 yard back too.

4 Things got moved out. There is vehicles
5 there, you know. We don't have a license yet. We
6 can't work on people's vehicles. We have people
7 waiting to have their vehicles worked on. So they're
8 going to have to go. I mean, clearly, they'll have to
9 go somewhere else, and that's fine.

10 As far as the fluids and leakages, we have
11 the barrels of fluids all would be stored correctly and
12 taken to a recycle facility.

13 Let's see. In regards to the length of
14 someone coming out, we would not have a lot of clients
15 on site. This would be custom builds that would take a
16 fair amount of time to be able to do. And people do
17 travel out that far. Weatherby Recreation is exactly
18 a half a mile from our house, with over 20 to 30 RVs on
19 their property at any given time, and they run a
20 successful business.

21 And I'm assuming it's on a conditional use
22 permit as well. So it is possible, and I know there's
23 -- even further out from us, there's several businesses
24 contracting businesses, two that I know of, that run
25 from their home and do very well.

1 Other than that, I don't have any other
2 comments at this time.

3 CHAIRMAN EVANS: Thank you.

4 MS. ARMISTEAD: Thank you.

5 CHAIRMAN EVANS: Ron?

6 Ma'am, can you please stay up here.

7 MS. ARMISTEAD: Oh, I'm sorry.

8 COMMISSIONER WILLIAMS: Not
9 knowing anything about a custom build, you said they
10 take a long time. What are you talking about? How
11 long does it take?

12 MS. ARMISTEAD: Well, if you
13 wanted to get a custom build, first you would pick out
14 what kind of vehicle that you would like, pick out the
15 motor and the transmission, different drive shafts,
16 certain shop lifts, things of that nature.

17 The cars have to be ordered. Then, you
18 know, installation takes time. We haven't completed
19 one yet. We don't have the business yet. I know when
20 my husband and our step-son redid our -- his grandpa's
21 '77 Ford truck, it took them a year and a half to do it
22 correctly.

23 COMMISSIONER WILLIAMS: Okay.

24 Let me go back to something you said.

25 MS. ARMISTEAD: Okay.

1 COMMISSIONER WILLIAMS: You said
2 for the parts there's no intention to bring in cars,
3 tear them apart and use those as -- as parts.

4 MS. ARMISTEAD: If he needs
5 something like that, he will go to a junk yard and
6 purchase a part there, not purchase an entire vehicle
7 and dismantle it.

8 COMMISSIONER WILLIAMS: Thank
9 you.

10 CHAIRMAN EVANS: So basically
11 there wouldn't be any vehicles out there? Since he
12 would go get the parts, he wouldn't have a vehicle,
13 leave it out there to part out?

14 MS. ARMISTEAD: To part out, no,
15 sir.

16 CHAIRMAN EVANS: Okay.

17 MS. ARMISTEAD: Right now there
18 are a couple. I mean, there's a '77 four-door truck
19 right there. That is supposed to be rebuilt for my
20 step-son. My other son, he wants a '56 Ford. That
21 vehicle is out there.

22 So I'm going to have to check with what
23 we're allowed to have, if they need to be in garages.
24 If we're not allowed to build our sons a truck, I'm --
25 I will check on it and make sure that we are within,

1 you know, Franklin County statutes.

2 CHAIRMAN EVANS: All right.

3 Thank you.

4 Any other questions?

5 (NONE)

6 Thank you.

7 MS. ARMISTEAD: Thank you.

8 CHAIRMAN EVANS: Any further
9 discussion?

10 Clearly there's some issues as far as the
11 violations and some other questions on this. So I
12 think our two options, Scottie, are to move to Old
13 Business or to send to Review Committee?

14 COMMISSIONER McCREARY: I have a
15 question.

16 Scottie, how did the violations come to
17 light? I mean, did somebody -- I'm not sure if anybody
18 in the audience knows that we basically can only
19 respond to complaints, written complaints.

20 MS. EAGAN: What happened is
21 because of the conditional use permit, we went -- went
22 out and inspected it ahead of time, and that's when
23 Tori found it.

24 COMMISSIONER McCREARY: Okay.
25 So in other words, nobody that testified tonight --

1 MS. EAGAN: We don't have a
2 written complaint, no. It was on our agenda, so we
3 sent Tori out just to see what's out there, and he came
4 back with the violation.

5 COMMISSIONER McCREARY: Right.
6 Okay. So basically whatever is going on that property
7 is violation of -- of our Code, but none of the people
8 here know that we're not going to go and investigate
9 without a written complaint, right? I mean, that's all
10 we can --

11 MS. EAGAN: That's how it
12 happens.

13 COMMISSIONER McCREARY: That's
14 all we can --

15 MS. EAGAN: That's how it
16 happens.

17 COMMISSIONER McCREARY: Right.

18 MS. EAGAN: Unless it's a
19 conditional use permit, then we will go out.

20 COMMISSIONER McCREARY: Right.
21 So if anybody sees something that doesn't work, that's
22 not supposed to be there, if they come in and write a
23 written complaint...

24 MS. EAGAN: We will send Tori
25 out to the property.

1 COMMISSIONER McCREARY: Exactly.

2 Thank you.

3 MS. EAGAN: Uh-huh.

4 CHAIRMAN EVANS: Any other
5 questions?

6 (NONE)

7 Again, two options -- Scottie, correct me
8 if I'm wrong -- is to send to Review Committee or to
9 move to Old Business; at which time, we will approve it
10 or deny it.

11 MS. EAGAN: That's correct, but
12 I did hear earlier that you might have another option,
13 potentially tabling it until the violation is cleared
14 up, is what I've heard earlier in the night.

15 CHAIRMAN EVANS: Okay. So -- of
16 course, she said that she could have that done by this
17 weekend. It's up to the Commissioners if you want to
18 table it or send it to Review Committee or Old
19 Business. Three options.

20 Who would entertain a motion?

21 MS. EAGAN: Can I say one more
22 thing.

23 CHAIRMAN EVANS: Yes.

24 MS. EAGAN: I believe her
25 deadline with Tori is the beginning of September for

1 the violation.

2 COMMISSIONER BOLAND: If we deny
3 this, does she have to reapply?

4 MS. EAGAN: She wouldn't be able
5 to reapply unless something has changed.

6 CHAIRMAN EVANS: So you --

7 COMMISSIONER BOLAND: We want
8 something to change. So, okay.

9 COMMISSIONER McCREARY: Well,
10 also if she decides to change just to one parcel as
11 opposed to two or any other changes, two employees,
12 whatever, would she have to reapply for that, or could
13 she modify this application?

14 MS. EAGAN: I believe she could
15 modify this application.

16 COMMISSIONER McCREARY: Okay.

17 CHAIRMAN EVANS: And by tabling
18 it, we would be taking no action on the file
19 whatsoever. So next time it was as if it was
20 unfinished business.

21 COMMISSIONER McCREARY: I'll
22 make a motion to table this file till next month.

23 COMMISSIONER BOLAND: But that's
24 not cleaning it up.

25 COMMISSIONER McCREARY: Yeah,

1 well...

2 COMMISSIONER BOLAND: Why don't
3 we -- why don't we back up what we're supposed to do?
4 Tori went out there. So why don't we back him up?

5 COMMISSIONER McCREARY: I don't
6 understand back him up. As far as what?

7 COMMISSIONER BOLAND: I mean, if
8 we're just saying let's go ahead and pass it...

9 COMMISSIONER McCREARY: No. No,
10 I'm not saying that at all.

11 CHAIRMAN EVANS: We would table
12 it means take no action because of the opportunity to
13 clean it up. If they don't, we'll -- we'll take action
14 next month. So...

15 COMMISSIONER McCREARY: I mean,
16 we can't table it for six months or a year or whatever.
17 We can only go month to month, correct?

18 MS. EAGAN: I mean, you guys
19 have tabled files for more than a month, but --

20 COMMISSIONER McCREARY: Well, I
21 thought --

22 CHAIRMAN EVANS: I believe the
23 correct way to do it would be not to table it; in which
24 case, it could sit there indefinitely. The correct
25 option would be to postpone it with a specific date.

1 COUNTY ATTORNEY VINCENT: For
2 what purpose?

3 CHAIRMAN EVANS: Is that right,
4 Mark?

5 COUNTY ATTORNEY VINCENT: Yeah,
6 but for what purpose? Why -- to do what?

7 CHAIRMAN EVANS: To see if they
8 are in compliance.

9 COUNTY ATTORNEY VINCENT: Okay.

10 MS. EAGAN: Couldn't an option
11 potentially be send it to Review Committee. Leave it
12 open so Review Committee can see if the violation has
13 been cleared up by then. Then they would make their
14 recommendation potentially to you guys based on that
15 information, and then next month, you can take action
16 on it.

17 COUNTY ATTORNEY VINCENT: Well,
18 mind if I come up there for a second?

19 CHAIRMAN EVANS: Mark, please.

20 COMMISSIONER McCREARY: Yeah.

21 COUNTY ATTORNEY VINCENT: Okay.

22 What you have is a situation where but for the
23 violations, what would you do? Is it something that
24 you guys have all made up your minds that you're going
25 to vote for or against it except for the violations?

1 Or is it something that you need to take
2 up other than the violations? I mean, the violations
3 are significant if what they're saying is true. I have
4 no reason to doubt that.

5 We are handling those -- we'll be handling
6 those in court also, but Scottie and I talked earlier
7 today. This is kind of a dejavu stuff here of trying
8 to put something in our codes which simply states that
9 you cannot even present an application if you're in
10 violation of our code.

11 That's not in there right now, so anything
12 you guys would do, I would hope that you would put it
13 as a condition if you're going to vote on it -- I don't
14 know that you are -- that nothing will be granted until
15 all the violations have been rectified and corrected.

16 I just don't what you guys -- I don't know
17 what the feeling is. If you had -- I don't know what
18 your desire is. If they're all corrected and you think
19 it's still -- is it in the public interest and welfare
20 to approve it. That's the question that you all will
21 need discuss yourselves maybe tonight.

22 Forget about that for a second. Forget
23 about the violations. Assume that it's just going to
24 be out there as a, what, repair facility, in the middle
25 of wherever. Is that something that you think is

1 beneficial to the public safe -- health, safety and
2 welfare? It hasn't been tested to what has been
3 stated.

4 It's not your job to build the record, nor
5 is it mine.

6 CHAIRMAN EVANS: All right.
7 Mark, that's why I asked Scottie before because I -- I
8 wasn't sure we have been in the situation where I
9 thought the options were only Review Committee, Old
10 Business, or something like tabling or postponing.

11 COUNTY ATTORNEY VINCENT: Yeah,
12 those are your options.

13 CHAIRMAN EVANS: Yeah. So I
14 mean, we have to take one of those. We can't just...

15 COUNTY ATTORNEY VINCENT: But
16 Old Business can be pass, approve or deny.

17 CHAIRMAN EVANS: Right. We'll
18 move it to Old Business.

19 COUNTY ATTORNEY VINCENT: Right.

20 CHAIRMAN EVANS: And it'll be
21 approve or deny?

22 COUNTY ATTORNEY VINCENT: Yes,
23 sir. That's an option. You have two options, two
24 solid options on that, I guess, and then you have the
25 other one stated, Bill, you're correct.

1 You have the Review Committee, or you can
2 just take no action, but then that's why I got up. For
3 what purpose are you -- you know, even if they're
4 cleaned up, is that going to be enough to vote? I
5 don't know.

6 There is -- you have a very skimpy record
7 here tonight, and if you look -- remember what we
8 discussed. Yes, the burden is on the applicant to
9 present to you that this is -- it helps benefit the
10 health, public safety and welfare.

11 What's the benefit to the community as a
12 whole? So -- and that's what I can't answer. You all
13 have to answer it.

14 CHAIRMAN EVANS: All right.
15 Thank you.

16 COUNTY ATTORNEY VINCENT: Yes,
17 Bill?

18 COMMISSIONER McLAREN: I hate to
19 ask, but I felt the benefit of the community health and
20 safety and welfare was on rezoning, not --

21 COUNTY ATTORNEY VINCENT: It's
22 on both of them.

23 COMMISSIONER McLAREN: -- not on
24 the CUP.

25 COUNTY ATTORNEY VINCENT: You

1 can do it on both. If you look at what we did on -- in
2 your Code on the last one we had -- Scottie, you got
3 them in there?

4 You can actually, but for that we changed
5 the wording, if you remember. I'll have to read it so
6 I don't get it wrong. I've been qualified for Medicare
7 eligibility now. So I'm getting old. Catching up with
8 you, Bill. I don't trust my memory.

9 MS. EAGAN: It says that even if
10 the Planning and Zoning Commission finds that the
11 application complies with all other provisions of these
12 regulations, the Planning and Zoning Commission may
13 still deny the permit if it concludes, based upon clear
14 and convincing evidence submitted at the hearing, for
15 the following jurisdictional requirements:

16 "The use will be significantly
17 detrimental to the public health,
18 safety, morals or general welfare;

19 "The use will cause serious
20 injury to neighboring properties or
21 values;

22 "The use will not be compatible
23 with the plan of the area in
24 question, it will not conform with
25 all applicable zoning standards and

1 regulations."

2 COUNTY ATTORNEY VINCENT: Those
3 are high burdens that you have to find, but you have to
4 consider the evidence that you have. And so that -- I
5 can't make that call for you, but I -- you can do it.
6 In fact, you have an obligation to consider the
7 evidence, and only the evidence that you have.

8 And if you postpone it, you're not going
9 to have any more evidence other than with regards to
10 the violations. So that's what I'm asking. It's up to
11 you all.

12 Okay?

13 CHAIRMAN EVANS: Thank you,
14 Mark.

15 COMMISSIONER McLAREN: I guess I
16 have another question for that that I would think.

17 CHAIRMAN EVANS: Okay.

18 Ms. Armistead, Will you step up here
19 again, please.

20 MS. ARMISTEAD: Sure.

21 COMMISSIONER McLAREN: The
22 garage that's existing on that property, what -- what
23 size is that garage?

24 MS. ARMISTEAD: A 20 by 40.

25 It's a two-bay garage.

1 COMMISSIONER McLAREN: Okay.

2 And if -- if you all are working on a vehicle, how --
3 is that a -- would the vehicles be inside if it's only
4 a two-bay garage, or is it going to be work outside?

5 MS. ARMISTEAD: No, the -- the
6 work will be done in the garage.

7 COMMISSIONER McLAREN: So you
8 will only be able to work on two vehicles? And the
9 reason I'm asking this is we put some pretty stringent
10 conditions on stuff in the past about how many cars are
11 allowed, how many parking spaces are allowed, and can
12 cars even be outside, tires have been taken off of a --
13 off of a vehicle.

14 So you know, I want to know -- from the
15 picture, I couldn't tell how big the building was. So
16 I wanted to know the size of it.

17 MS. ARMISTEAD: Okay.

18 CHAIRMAN EVANS: Okay. Thank
19 you.

20 MS. ARMISTEAD: Thank you.

21 CHAIRMAN EVANS: Any other
22 discussion, questions? Tom?

23 COMMISSIONER TOBBEN: Yeah, I
24 got a question here.

25 I'm kind of confused by the timeline here.

1 So we have aerials from October of 2016 that appear --
2 that shows the property to be in pretty rough
3 condition. Not -- I wouldn't define it as being a
4 repair shop at this time.

5 What prompted the application for the CUP
6 between October of 2016 and August of 2017?

7 MS. EAGAN: I mean, I can just
8 tell you from my standpoint, and Mrs. Armistead can
9 correct me if I'm wrong. But she called us wanting to
10 know what -- because currently I believe her husband
11 works for somebody else and potentially might do office
12 work at this location and then go off and work at other
13 locations. But eventually he wants to be able to do it
14 himself at this location, and so they wanted to get
15 that process started at this location.

16 COMMISSIONER TOBBEN: Okay.

17 MS. EAGAN: Is that correct,
18 Mrs. --

19 MS. ARMISTEAD: Correct.

20 MS. EAGAN: Okay.

21 CHAIRMAN EVANS: Any other
22 questions, comments?

23 (NONE)

24 Again, we have the options of sending it
25 to Review Committee or sending it to Old Business and

1 making a decision on it tonight, or as Mark says, we
2 have a couple of other options as far as tabling or
3 postponing, which probably wouldn't get us anything
4 else. Because as he said, it there wouldn't be any new
5 information.

6 COMMISSIONER BOLAND: I make a
7 motion we send it to Old Business.

8 COMMISSIONER TOBBEN: I'll
9 second that motion.

10 CHAIRMAN EVANS: We have a
11 motion and a second to send File 170156 to Old
12 Business. All in favor signify by saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 CHAIRMAN VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN EVANS: Opposed?

24 (NONE)

25 The motion is carried.

1 Preliminary Plats.

2 MS. EAGAN: Bill, I'm sorry.
3 Can you explain what that is so everybody knows what
4 happens when it moves to Old Business.

5 CHAIRMAN EVANS: All right.
6 When it moves to Old Business, we will finish with New
7 Business. We will finish the preliminary -- the other
8 files in the Preliminary Plats; at which time, we will
9 go back to Old Business and open this file again.

10 And then discussion -- discuss it and vote
11 on it tonight and make a decision.

12 All right. Moving on to Preliminary
13 Plats. File 170075, Carla Theissen.

14 This has been tabled for three, four
15 months, and still, Scottie, we did not have the
16 appropriate information.

17 MS. EAGAN: And I've received
18 nothing from her.

19 CHAIRMAN EVANS: Okay. I would
20 -- I would suggest that we can leave it on the table,
21 but that Scottie advise her that if no one else I would
22 personally bring it off the table in September to take
23 some action on it since it's been sitting there three
24 or four months.

25 Any comments on that?

1 COMMISSIONER HAIRE: I agree.
2 Let the applicant to make the decision.

3 CHAIRMAN EVANS: Okay. So,
4 Scottie, if you will inform her that we will be
5 addressing this file next month, and we'll take some
6 action. Whether she's prepared or not or whatever, we
7 intend to take action.

8 MS. EAGAN: All right. I will
9 let he know.

10 CHAIRMAN EVANS: Thank you.

11 File 170135, Decker Road Development, Care
12 of Cameron Lueken. Only written comments from the
13 public may be submitted. No oral testimony will be
14 accepted.

15 Scottie, give us the details.

16 MS. EAGAN: This is File 170135
17 for Decker Road Development, Care of Cameron Lueken.

18 The applicant amended his original request
19 to now create an 18-lot subdivision in Community
20 Development zoning district.

21 The property is located on Stricker Lane
22 at the northwest corner of Decker Road and Stricker
23 Lane, in Boles Township.

24 The Facts: The property is approximately
25 142 acres in size. The applicant will be developing

1 approximately 104 acres.

2 The minimum lot size in Community
3 Development is 22,000 square feet with central water
4 and sewer, and 3 acres for on-site water and sewer.

5 The average lot size on the original
6 application was approximately 5.48 acres. The average
7 lot on the amended application is approximately 5.18
8 acres.

9 This subdivision is proposing to be
10 developed in three phases.

11 Water service will be provided by Water
12 District No. 3.

13 The applicant is proposing to have on-site
14 septic for this development.

15 The applicant shows a 15-foot utility
16 easement along the road, a 10-foot utility easement on
17 the rear, and a 5-foot utility easement along the side
18 property. All are done in accordance with our Franklin
19 County Regulations.

20 The land disturbance permit from DNR is
21 required to disturb more than one acre of land, as well
22 as erosion controls during development.

23 The plat shows all roads and rights-of-way
24 and pavement meeting the standards set forth in the
25 Franklin County Land Use Regulations.

1 All utilities shall be located
2 underground.

3 Because of the size of the development,
4 the applicant shall provide fire protection in
5 accordance with Article 8, Section 175.

6 Because this development is located within
7 Boles Fire Protection District, they will be required
8 to meet the standards of that district.

9 The applicant will be required to dedicate
10 additional right-of-way along Decker Road.

11 Staff Comments: Improvement plans to be
12 reviewed by Franklin County should be submitted before
13 the final approval.

14 I was informed today that stormwater plans
15 have been submitted to the Highway engineer for review.
16 We have received correspondence from a representative
17 for the Labadie Sewer District indicating they do not
18 require this development to hook up to the district.

19 I was also informed today the developer
20 has met with the Highway Department regarding the
21 entrance, and a plan has been put into place.

22 You also all received a letter in regards
23 to the entrance tonight.

24 CHAIRMAN EVANS: Thank you.

25 Is the applicant present?

1 (Thereupon, the witness was
2 sworn.)

3 MR. CAMERON LUEKEN: Okay. My
4 name's Cameron Lueken with Wunderlich Surveying and
5 Engineering representing Decker Road Development this
6 evening.

7 Give me a second. Okay.

8 Good evening. We'll kind of skip through
9 some of the -- I'll just review it.

10 Just like Scottie said, 104-acres
11 subdivision, 19 large lots: 5 lots 3 to 5 acres, 14
12 lots 5 acres or more.

13 This is the area -- this is the area of
14 the proposed subdivision. Preliminary plat will look
15 something like this. It's going to be identified in
16 those phases. These are -- this is the -- a snapshot
17 of the actual preliminary plat, and I guess what I want
18 to bring to your attention on this slide is, this is
19 the wooded -- this is a woodland right here right now
20 like this. Kind of like here, kind of like that, and
21 it was mentioned last time it wasn't on the plat.

22 We added that to the plat. We also added
23 the area that's going to be -- trees are going to be
24 taken out, some of the woods are going to be basically
25 replaced with lawns.

1 Why is that important? That relates to
2 there was a question about stormwater. What was the
3 impact of stormwater on the adjoining properties,
4 mainly Decker Road right-of-way from the north and the
5 property to the south.

6 As Scottie mentioned, we submitted
7 calculations to Ron today identifying that basically
8 during the storm events, namely the two, the 25- and
9 100-year. During all those events, the water
10 differential, basically it's less runoff than what it
11 was before.

12 So basically if you can imagine you've got
13 a pasture that's -- well, not a pasture, but a -- a
14 pasture but even woods, thick woods that have a
15 semi-swell and you put a lawn in it, it's going to have
16 less runoff after it's filled related to the lawns than
17 before.

18 And that's with basically a composite
19 runoff coefficient. What that means is that when you
20 factor in the yard, the pavement for the subdivision,
21 the proposed buildings and existing woods. So you call
22 that a calculation, you might say, that composite
23 runoff amount is actually less.

24 By way of example, on the two-year about a
25 115 cubic feet per second versus after the post, about

1 112. So it's not a great reduction. It's about a 2.6
2 versus the 100 at 2 -- basically 19.8 at the post
3 development it's 214.7. So both those storm events are
4 less.

5 Moving on from that. This is the zoning.
6 The existing zoning is CD. As Scottie mentioned, we
7 already did approval from the Fire Department related
8 to the installation of water lines and turnarounds and
9 stuff like that.

10 So this is the letter identifying that we
11 met -- we've met their Codes.

12 Which moves us on to one of the other
13 things that we talked about a lot last time. And that
14 was the sight distance regarding the proposed
15 intersection. So after talking with the owners, after
16 talking with Ron Williams, after visiting the site, we
17 are proposing tonight that we actually lower the county
18 road in this area rather than the lights that we
19 mentioned previously.

20 So what's that look like? Basically we
21 positioned the entrance at a spot where the sight
22 distance to the north is achieved, but the sight
23 distance from the south is limited. So that means we
24 have to modify Decker Road to accomplish that.

25 So what that looks like is, is that this

1 is a cross-section of the road. So imagine that you're
2 sitting in the entrance looking east, and you're trying
3 to decide to go left to Labadie or right to Gray
4 Summit.

5 By positioning it at the spot we are at
6 the top of the hill, to the left, to the north towards
7 Labadie, the sight distance of 410 feet is achieved.
8 However, the sight distance to the south is not
9 achieved.

10 So that's what we've been working with Ron
11 about trying to figure out the methods and procedures
12 we go through to lower that county road. And so after
13 meeting with Ron about that, the parameters by which we
14 can do that are such that it is achievable, provided,
15 provided that we still have to get the approval of the
16 property owners involved in this area.

17 Let me go back to a view of that. So if
18 you can imagine -- let me go back to the -- here we go.

19 So this is Stricker Lane, this top right
20 here. There are -- basically at that intersection,
21 there are three property owners. When I say property
22 owners, I mean in the terms of fee-simple property
23 owners. There are other people that use Stricker Lane,
24 but the people who have the deeded right to the
25 property are basically three.

1 people that live on Stricker Lane are faced with the
2 situation. Stricker Lane is basically -- I don't have
3 it up there, but -- yeah. It's right there. Sorry.

4 Stricker Lane is right here right now. So
5 what happens is, is that, you know, they are facing the
6 situation where they will -- they have a limited sight
7 distance also. So by lowering that road -- let me back
8 up. Sorry.

9 We had proposed to them, the people on
10 Stricker Lane, that rather than continue to use
11 Stricker Lane, they could be allowed to come onto --
12 let me back up here.

13 It was proposed tonight that rather than
14 continue to use Stricker Lane, that they would come
15 onto the proposed subdivision road and basically
16 abandon Stricker Lane. So that way that all the
17 parties on Stricker Lane that are currently using it
18 would have access on the proposed development, and they
19 would have a safe intersection.

20 So we hope that those property owners
21 agree with that proposal because it's a benefit to
22 them, but like I said, we can't -- the developer can't
23 force them to do that. It may be a situation where
24 it's offered to them, and they continue to use Stricker
25 Lane. But we did, the developer did offer that to them

1 as a condition of granting them the right to rebuild
2 that intersection.

3 So I guess as it relates -- let me back
4 up. As relates to the entrance -- as the preliminary
5 plat relates to the entrance, one of the things that we
6 are proposing is, is that we approve the preliminary
7 plat tonight based upon the condition that the Highway
8 Department has to approve the access.

9 And so this is similar to what we do with
10 MoDOT a lot of times, but because of I wanted to make
11 sure that we had our ducks in a row, you might say, we
12 wrote a letter to the Commission identifying that the
13 developer understands this. So that was the purpose of
14 the letter in our packet that the developer understands
15 that he would not get a record plat, a final plat until
16 the approval of the access has been granted by the
17 Franklin Highway Department. That was the purpose of
18 that letter.

19 So moving on from there, the traffic
20 count. And like -- like I said, this road is not a
21 highly used road. As it relates to the sanitary sewer,
22 also included in your packet tonight was that there's
23 no mandation from the Labadie Sewer District that we
24 connect to that. This is evidenced by the
25 representative for the Council for Labadie Sewer

1 District. There's no sewer connection required.

2 And so basically in -- in conclusion, we
3 -- the biggest contention was last time, we spent a lot
4 of time with one of those entrances and we hadn't
5 reached out to all the owners yet because we didn't
6 know feasibility of everything. But after meeting with
7 Ron, the parameters changed on the construction
8 schedule, the construction parameters that allowed us
9 to relook at that, revisit that situation.

10 And so basically it is achievable to cut
11 down the county road based upon those new parameters.

12 COMMISSIONER HAIRE: Cameron?

13 MR. LUEKEN: Yes.

14 COMMISSIONER HAIRE: Exactly how
15 are you going to have the access from Stricker to the
16 subdivision road? Exactly how are you going to
17 accomplish that?

18 MR. LUEKEN: Sure. Let me go
19 back to the plat, Dan.

20 So, Dan, this is a preliminary plat. So
21 we can modify between -- I guess what I'm saying is, is
22 that to answer your question, these property owners if
23 they want to come on this property here, they may want
24 to come in here. They may want to alter where they
25 come in that property at.

1 So to answer your question how we're going
2 to accomplish that, we're going to try to work with
3 those property owners to make sure that they come in in
4 a place that's amenable to all the property owners, and
5 it will be reflected on the final plat.

6 CHAIRMAN EVANS: So, Cameron,
7 simply you're kind of doing away with Lot 19?

8 MR. LUEKEN: No, I wouldn't say
9 we're doing away with Lot 19. We're going to basically
10 have a right-of-way going through Lot 19 for people on
11 Stricker Lane, if they so choose.

12 CHAIRMAN EVANS: Any questions?

13 COMMISSIONER BOLAND: Ron, does
14 this...

15 COMMISSIONER WILLIAMS: Does it
16 pass the mustard test?

17 Mr. Lueken and I had some nice discussions
18 over the last couple of weeks, but the bottom line was
19 he had to meet the sight distance, the 410. I -- I
20 didn't do anything. It was like you got to meet that.
21 If you're going to do anything to put an entrance to
22 where you want to put it, it's either that or move the
23 entrance. Which is kind of difficult on that site
24 based on the terrain.

25 So I kind of get what they want. The

1 issue has cutting it down four feet, which makes this
2 4.1 feet now, is how you get that encompassed into the
3 right-of-way.

4 Well, that's why they need the property
5 owners' cooperation. They'll need some temporary
6 easements. So with their permission to go ahead and
7 rebuild that in that area to make that work.

8 That's not our true concern, but I mean it
9 is something that's going to have to happen in order
10 for them to rework that road. And they can work within
11 the existing right-of-way of the roadway and the
12 ditches. That's not an issue. It's always been the
13 side road stuff or the -- or the trying to blend it
14 back in to where you're going to have a decent profile
15 or section through that area.

16 It's workable. I would assume, Scottie,
17 that we can do that, put that condition on a
18 preliminary plat. If that's the only issue I don't
19 know.

20 MS. EAGAN: I mean, to get
21 approval on a final plat, you need Highway approval
22 period. Whether you guys put any condition on it or
23 not, I won't sign off on the final plat unless Ron
24 gives me the okay to do it.

25 COMMISSIONER WILLIAMS: And I

1 wasn't going to give them the okay unless they met the
2 sight distance issues. So that's -- that's the
3 solution.

4 COMMISSIONER BOLAND: So -- so
5 my understanding is you have to talk to all the
6 property owners.

7 MR. LUEKEN: Yeah.

8 COMMISSIONER BOLAND: You
9 haven't done that. So, so far the only thing that
10 you've come to the conclusion is that you agreed with
11 Ron to take down the road, but now you have to get all
12 the easements to do this?

13 MR. LUEKEN: Correct, Todd. So
14 -- and we -- we did talk -- or the other owner did talk
15 to the property owners tonight. We kind of got to do
16 this is order that makes sense, you might say. And I
17 guess, let me -- let me -- I forgot to mention this.

18 The lady that spoke earlier, she's right
19 here across from the -- our existing entrance, and we
20 apologize that we did not talk to her about what was
21 going on across from her entrance.

22 But the proposal is such now that, if
23 we're allowed to do this, it's going to make her
24 entrance safer because she's -- she's right across from
25 our entrance. So rather than her having to roll the

1 windows down and stop and listen, these developer's
2 proposal make her entrance safer. So we hope that we'll
3 have to talk to her tonight before she leaves, and hope
4 that she sees the benefit.

5 COUNTY ATTORNEY VINCENT: Bill,
6 could I -- because I couldn't hear back there.

7 CHAIRMAN EVANS: Sure.

8 COUNTY ATTORNEY VINCENT:
9 Cameron, where is the road going to go from Stricker
10 Lane onto your entrance; where does it go?

11 MR. LUEKEN: So -- so, Mark,
12 right now you can't hardly see it, but the main sort of
13 lane is right here. It runs -- it strictly runs from
14 here all the way underneath that purple line right now.

15 COUNTY ATTORNEY VINCENT: Okay.

16 MR. LUEKEN: So what it is, is
17 that the proper -- there's another house here. So
18 there's -- to answer your question the most accurate
19 way, there are two pieces of property owners that go
20 Stricker.

21 There's Ralph Stricker and then there's a
22 Woods. There are other people that use Stricker Lane.
23 So we will have to talk to the property owners first.

24 MS. EAGAN: It's not shown on
25 the preliminary plat.

1 COUNTY ATTORNEY VINCENT: Well,
2 that's what I've been looking for.

3 MS. EAGAN: Right.

4 COUNTY ATTORNEY VINCENT: I'm
5 sorry. I was looking for something that's not there.

6 MR. LUEKEN: Well, yeah. So
7 basically it's going to depend on where they -- where
8 they agree -- where they agree to be.

9 COUNTY ATTORNEY VINCENT: But
10 you can't go across Lot 19 and make two lots out of it.

11 MS. EAGAN: With rights-of-way,
12 we allow them to have a lot on both sides. It will
13 still be Lot 19, just separated by the right-of-way.

14 COUNTY ATTORNEY VINCENT: Okay.

15 MS. EAGAN: That's -- that's
16 what we've been doing in the past. We don't let them
17 be separated by another piece of property, but if it's
18 separated by a road, it's still one piece. It's one
19 lot. They can't do a remnant parcel or anything.

20 But your preliminary plat should reflect
21 that if that's the right-of-way that they do decide to
22 go so we can see where that road will be.

23 COUNTY ATTORNEY VINCENT: That
24 would have to have some setbacks. That would be just
25 like another road.

1 MS. EAGAN: Yeah, it would have
2 to have a utility easement.

3 MR. LUEKEN: Right.

4 COMMISSIONER BOLAND: Right.

5 But as Scottie said, that -- you do not
6 have that on this plat tonight, because -- because
7 besides the people on Decker Road, you have to work
8 with the people to get this easement, see if they want
9 that.

10 If -- if they don't want to go through Lot
11 19, what's that do?

12 MR. LUEKEN: Correct. So I -- I
13 had that conversation with Ron. So -- so basically
14 what it does is, is that if the people on Stricker Lane
15 do not want to drive through Lot 19, the preliminary
16 plat stays the same, Stricker Lane gets lowered to
17 match what we lower on the county road. Because they
18 don't -- they may not want to drive out exactly the
19 same way they're driving right now.

20 So in that condition, we wouldn't change
21 the driveway through Lot 19, and they've got the right
22 to do that. They've got the right to -- as I brought
23 that question to Ron, I said they may not want to drive
24 through this.

25 COMMISSIONER BOLAND: Does it

1 make it worse for them?

2 MR. LUEKEN: Does it make it
3 worse for who?

4 COMMISSIONER BOLAND: If they
5 use Stricker Road, what you're doing to the road.

6 MR. LUEKEN: I do not believe
7 it's going to make it worse for them, no.

8 COMMISSIONER WILLIAMS: No, they
9 -- if you remember the -- remember Stricker Lane was in
10 that area they were going to cut down. Actually their
11 sight distance is worse to the north because they are
12 further south.

13 That make sense?

14 COMMISSIONER HAIRE: Yeah.

15 COMMISSIONER WILLIAMS: So if
16 you're going to -- it makes a lot of sense to me that
17 they would want to come out on this subdivision road
18 based on the safety factor.

19 COMMISSIONER HAIRE: Yeah.

20 COMMISSIONER WILLIAMS: And to
21 me the best place to do that is, since the way Stricker
22 Lane comes in, would be just to run down the property
23 line --

24 COMMISSIONER HAIRE: Yeah.

25 COMMISSIONER WILLIAMS: -- of 18

1 and 19.

2 MS. EAGAN: That's what I was
3 going to suggest as well.

4 COMMISSIONER WILLIAMS: That's
5 just me.

6 MR. LUEKEN: And that's what we
7 proposed, but you know, we don't -- we can't --

8 COMMISSIONER WILLIAMS: --
9 dictate that.

10 MR. LUEKEN: Yeah, until we --

11 COMMISSIONER BOLAND: So to get
12 back to all that, I mean, then what you're going to
13 have to do is talk to all these people to see if they
14 want to go through Lot 19 and who maintains the road
15 and everything else.

16 So it's a little complicated again.

17 MR. LUEKEN: Correct.

18 COMMISSIONER McCREARY: I have a
19 question, Ron.

20 Right now on Stricker Lane, if it was
21 brand new and we were voting on it, it -- it wouldn't
22 meet the sight distance the way it is now?

23 COMMISSIONER WILLIAMS: Correct.

24 COMMISSIONER McCREARY: So it
25 would be to their benefit to have a better entrance,

1 but I mean, right now if we were to approve, looking at
2 Stricker Lane coming off it, we'd say no due to the
3 fact that it doesn't meet the requirements as it is?

4 COMMISSIONER WILLIAMS: Correct.

5 COMMISSIONER McCREARY: Okay.

6 CHAIRMAN EVANS: So basically by
7 approving the preliminary plat, it just lets Cameron
8 and the developer take the next step because the final
9 plat would, as Scottie said before and Ron also, and
10 unless it's approved by the Highway Department and
11 Scottie signs off on it, it doesn't get done.

12 So if we basically are allowing it to
13 proceed, but by no -- no way, shape or form saying
14 that, you know, they have permission.

15 MS. EAGAN: Right, but if they
16 do end up -- if everyone on Stricker Lane agrees to use
17 the proposed road, he would have to amend his
18 preliminary plat, and then would have to bring that
19 back before you guys.

20 CHAIRMAN EVANS: Right. But
21 it's by our approving it tonight just allows --

22 MS. EAGAN: For them to continue
23 moving.

24 CHAIRMAN EVANS: -- allows them
25 to continue forward.

1 Any other comments or questions?

2 COMMISSIONER BOLAND: Ron, is
3 there a real -- if the people don't -- on Stricker Lane
4 don't want to go through there, there's no real issue?

5 COMMISSIONER WILLIAMS: The --
6 you still would -- would have an issue since you're
7 dropping the road that they may have to come back onto
8 private property. Remember that's all fee simple. So
9 they still their permission to work on the road past
10 the right-of-way mark.

11 So either way, they're going to get those
12 fee-simple owners that live on Stricker Lane involved,
13 one way or the other. And they're going to have to be
14 okay with whatever way -- whichever what they choose to
15 go. Otherwise, they're dead in the water.

16 CHAIRMAN EVANS: And again, that
17 would be the developers issue to deal with, so...

18 Other questions or comments?

19 (NONE)

20 If not, the Chair would entertain a
21 motion.

22 COMMISSIONER TOBBEN: I make a
23 motion to approve the preliminary plat with the
24 contingencies that we put on it.

25 CHAIRMAN EVANS: However, we're

1 really not adding contingencies, are we, Scottie?

2 COMMISSIONER TOBBEN: As long as
3 he meets the --

4 MS. EAGAN: It is a requirement
5 whether you guys put it on there or not.

6 CHAIRMAN EVANS: Right. I was
7 going to say it's pretty much included in there.

8 MS. EAGAN: Yeah.

9 CHAIRMAN EVANS: So it will be
10 in the final plat. So...

11 Second?

12 COMMISSIONER WILLIAMS: Second.

13 CHAIRMAN EVANS: We have a
14 motion and a second to approve Preliminary Plat File
15 170135. All in favor signify by saying aye.

16 COMMISSIONER REINHOLD: Aye.

17 CHAIRMAN VOSS: Aye.

18 COMMISSIONER McLAREN: Aye.

19 COMMISSIONER CUNIO: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 CHAIRMAN EVANS: Aye.

22 COMMISSIONER BOLAND: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 COMMISSIONER McCREARY: Aye.

1 CHAIRMAN EVANS: Opposed?

2 (NONE)

3 The motion is carried.

4 Moving back to Old Business. File 170156,

5 Kristen Armistead.

6 Any further discussion?

7 (NONE)

8 Any discussion, comments, questions?

9 (NONE)

10 If not, the Chair would entertain a

11 motion.

12 COMMISSIONER BOLAND: I make a

13 motion that we deny the CUP for 170156.

14 COMMISSIONER HAIRE: I'll second

15 it.

16 CHAIRMAN EVANS: We have a

17 motion and a second to deny CUP File 170156. All in

18 favor signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 CHAIRMAN 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 McCREARY: Aye.

4 CHAIRMAN EVANS: Opposed?

5 (NONE)

6 The motion is carried. File 170156 is
7 denied.

8 Planning and Zoning Commission Forum. Is
9 there anything that these Commissioners want to
10 discuss?

11 COMMISSIONER McLAREN: I have a
12 comment.

13 CHAIRMAN EVANS: Bill.

14 COMMISSIONER McLAREN: I really
15 appreciate the discussion --

16 CHAIRMAN EVANS: Could you
17 please leave quietly if you're leaving.

18 COMMISSIONER McLAREN: I really
19 appreciate the conversation we had about the
20 preliminary plat last month. I think probably it was
21 very appropriate, that we all learned a lot. I think I
22 learned a lot anyway.

23 I like the fact that they're looking at
24 something besides a yellow light. I drove out to the
25 yellow light on Highway T and drove right past it

1 before I noticed it was there, but my -- my comment
2 would be we probably took up a lot of time that Ron
3 could have really enlightened us to this early on.

4 So in a situation like that, do we need
5 Ron to tell us ahead of time what's going on instead
6 of, you know, potentially spending a lot of time and
7 energy when he has enough knowledge to direct us in the
8 right -- right area to start with?

9 COMMISSIONER WILLIAMS: Well,
10 the issue of the entrance came up of not meeting the
11 sight distance because they have applied for it, and we
12 had turned it down due to that issue. So they knew
13 that.

14 But their proposal back to you all, now at
15 the Planning and Zoning level, is okay, we're going to
16 propose a lot. We're going to propose that beacon, and
17 if -- if there was some way to make that work, then so
18 be it, you know.

19 But if they built the straight entrance,
20 then I won't approve it, or my department won't approve
21 it unless we have the sight distance. And we finally
22 got down to the brass tacks, you know, what are we
23 going to do because the fact that it was -- there are
24 basically three choices.

25 Deal with the road where the entrance was

1 at; try to find another location, which if you look at
2 the terrain out there with that 15, 18 percent grade,
3 that was going to be hideous, but you could get the
4 sight distance out of the road, but that would really
5 screw up the subdivision; and then the third option was
6 the beacon that, honestly, there could be no good
7 resolution to that, as to how it's maintained in the
8 future because you can tie it to a homeowners
9 association, but then you know how that goes in the
10 future.

11 So we kept coming back to how do you lower
12 the road. Well, they did some iterations, you know.
13 They got to 390, and I said well, you're almost to 410.
14 Congratulations.

15 Then they finally came back with -- with
16 the needed sight distance. So you know, it does -- it
17 will aid definitely the property owner across the road.
18 They should see the benefit for that road, for their
19 entrance would be right there. And I understand
20 there's an issue. All you got to do is sit in there,
21 which I did, and wait for the vehicles, and you can't
22 see them. You can't see them looking north -- or
23 excuse me, looking south. You just can't see them.

24 That's a danger. I understand turning
25 left out of there, and then that's the issue there in

1 terms of what's happening to turn out of there and go
2 right.

3 So that's all I can say.

4 COMMISSIONER McLAREN: Thank
5 you.

6 CHAIRMAN EVANS: Well, I wasn't
7 here last month. So I didn't learn anything.

8 Any other discussion?

9 (NONE)

10 If not, Planning Director's Report.

11 MS. EAGAN: I -- I'll try to
12 have the regulations to you guys by next month in
13 regards to who can apply for permits. I don't know if
14 I'll get around to it by September.

15 And then other than that, we have the
16 Muckler appeal next week with BOZA. So we'll keep you
17 guys up-to-date on how that goes.

18 CHAIRMAN EVANS: All right.
19 Thank you, Scottie.

20 If there's nothing else, the Chair would
21 entertain a motion to adjourn.

22 COMMISSIONER BOLAND: Motion.

23 COMMISSIONER HAIRE: Second.

24 CHAIRMAN EVANS: We have a
25 motion and a second to adjourn. All in favor.

1 COMMISSIONER REINHOLD: Aye.
2 CHAIRMAN VOSS: Aye.
3 COMMISSIONER McLAREN: Aye.
4 COMMISSIONER CUNIO: Aye.
5 COMMISSIONER WILLIAMS: Aye.
6 CHAIRMAN EVANS: Aye.
7 COMMISSIONER BOLAND: Aye.
8 COMMISSIONER HAIRE: Aye.
9 COMMISSIONER TOBBEN: Aye.
10 COMMISSIONER McCREARY: Aye.
11 CHAIRMAN EVANS: Opposed?

12 (NONE)

13 We are adjourned.

14 (Thereupon, the proceedings
15 concluded at 8:40 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; that the proceedings were taken down in stenographic notes by me, and transcribed by me, or under my supervision, to best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

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

PUBLIC MEETING 8/15/2017

A				
abandon 70:16	additional 15:11 64:10	allows 81:21,24	22:19	28:6,9,11,22
ability 7:12	additions 9:19	alter 72:24	appreciate	29:9,19 30:9
90:10	address 9:1 11:8	amenable 69:8	31:19 85:15,19	32:7,17 36:6
able 16:14 17:6	11:11 12:25	69:22,24 73:4	appropriate	36:20,24 37:12
19:20 23:8	15:23 30:16	amend 81:17	61:16 85:21	41:8 43:19
29:1 33:9	38:19 40:5,24	amended 62:18	approval 2:5	45:4,7,12,25
39:25 44:16	42:19	63:7	14:17 64:13	46:4,14,17
50:4 58:8	addressing 62:5	amount 44:16	67:7 68:15	47:7 57:18,20
59:13	adjoining 66:3	66:23	71:16 74:21,21	57:24 58:5,17
absolutely 29:20	adjourn 88:21	and/or 14:20	approve 10:13	58:20 59:8,19
37:3	88:25	angle 43:9	10:15,18 42:5	84:5
accepted 62:14	adjourned 89:13	Annie 41:7 42:4	49:9 53:20	Armistead's
access 11:25	Adjournment	answer 55:12,13	54:16,21 71:6	36:17
14:8 70:18	3:13	72:22 73:1	71:8 81:1	arrested 36:21
71:8,16 72:15	Adjustment	76:18	82:23 83:14	arrival 36:12
accomplish	9:12	anybody 12:7	86:20,20	arrowheads
67:24 72:17	advise 61:21	47:17 48:21	approved 11:6	42:11
73:2	advised 36:6	anyway 85:22	14:14 25:8	Article 64:5
accounting	aerial 19:3 32:7	apart 24:2 46:3	81:10	asked 35:22,23
22:18	aerials 59:1	apologize 18:3	approving 81:7	54:7
accurate 76:18	affect 39:12	75:20	81:21	asking 27:3
90:11	aforementioned	appeal 9:13	approximately	57:10 58:9
achievable	90:6,10	88:16	13:15,19 62:24	assessment
68:14 72:10	agenda 7:21,24	appealed 9:11	63:1,6,7	12:12
achieved 67:22	8:12 48:2	appear 59:1	area 12:18 15:5	association 87:9
68:7,9	ago 11:24 33:2	appears 9:23	16:25 33:23	assume 53:23
acquired 9:14	agree 25:24	applicable 56:25	42:13 56:23	74:16
acre 16:12 63:21	28:14 62:1	applicant 2:14	65:13,13,23	assuming 44:21
acres 13:19	70:21 77:8,8	2:16 3:6 13:9	67:18 68:16	attached 4:11
16:19 18:20,22	agreed 75:10	13:10,24 14:25	74:7,15 79:10	attended 11:16
35:18 62:25	agrees 81:16	15:11,20 43:17	86:8	attention 65:18
63:1,4,6,8	Agricultural	55:8 62:2,18	Armistead 2:12	attorney 5:16
65:11,12	13:13,21 14:5	62:25 63:13,15	13:6,9 15:21	17:19 30:20
action 7:22	ahead 47:22	64:4,9,25	15:24,25 16:5	52:1,5,9,17,21
50:18 51:12,13	51:8 74:6 86:5	application	16:21 17:2,16	54:11,15,19,22
52:15 55:2	aid 87:17	14:18 18:6	17:23 18:3,10	55:16,21,25
61:23 62:6,7	air 12:2	50:13,15 53:9	18:21 19:5,9	57:2 76:5,8,15
activities 15:1	ALARM 69:11	56:11 59:5	19:14,18,23	77:1,4,9,14,23
actual 19:13	allow 77:12	63:6,7	20:1,11,15,19	audience 8:20
65:17	allowed 23:12	Applications	20:21 22:3,7	9:2 47:18
adamantly 38:1	32:12 46:23,24	9:13	22:11,15,20,23	August 1:11 6:2
add 25:23	58:11,11 70:11	applied 41:17	23:4,16,21	6:4 15:15
added 65:22,22	72:8 75:23	86:11	24:4,8,11,14	22:21 23:3
adding 25:21	allowing 38:8	apply 22:2 88:13	25:1,4,6,10,13	33:2,11 59:6
83:1	81:12	applying 35:25	26:10,16,19,21	90:22
		appointments	27:12,17 28:2	auto 27:5

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

average 63:5,6	48:6 65:24	50:2,7,23 51:2	13:3,5,25	case 4:8 8:6,6,17
aware 22:24	66:7,10,12,18	51:7 60:6,19	17:11 19:1	9:8 24:18
26:1	67:2,20 68:20	73:13 75:4,8	20:6 22:14	51:24
aye 10:19,20,21	68:25 70:2,15	78:4,25 79:4	42:15 44:20	cases 4:8 8:7
10:22,23,24,25	72:2,10 73:9	80:11 82:2	45:19 47:13	catch 10:3,3
11:1,2,3 60:12	77:7 78:13	83:22 84:12,25	49:9,19 50:20	Catching 56:7
60:13,14,15,16	81:6,12 86:24	88:22 89:7	54:10,16,18	cause 37:5,14
60:17,18,19,20	basis 33:17	Boles 62:23 64:7	59:25 60:7,12	56:19
60:21,22 83:15	beacon 86:16	bookkeeping	61:4,6,7,9 84:4	CD 67:6
83:16,17,18,19	87:6	22:17 25:3	businesses 14:2	Cecil 42:4
83:20,21,22,23	beating 40:17	bottom 73:18	39:3 44:23,24	center 1:2 15:13
83:24,25 84:18	bed 33:15	bought 41:9	busy 24:17	37:6
84:19,20,21,22	beep 12:4	Bourbeuse 42:9		central 13:16
84:23,24,25	beginning 49:25	BOZA 88:16	C	63:3
85:1,2,3 89:1,2	believe 12:19	brakes 27:24	C 1:24 4:7 5:1	century 41:17
89:3,4,5,6,7,8	32:17 33:2	Branch 13:16	5:18 6:1 8:6,11	certain 18:25
89:9,10	49:24 50:14	brand 80:21	37:13	45:16
	51:22 59:10	brass 86:22	cab 36:14	Certificate 3:14
B	69:3 79:6	bring 23:25 24:1	cabin 41:12,14	90:1
B 4:1,6 8:5,11	beneficial 54:1	40:10 46:2	cabins 41:11	Chair 10:12
back 17:4 19:8	benefit 55:9,11	61:22 65:18	calculation	30:3 82:20
19:21 20:5	55:19 70:21	81:18	66:22	84:10 88:20
23:8 32:14	76:4 80:25	brought 78:22	calculations	Chairman 5:3
33:19 34:11	87:18	build 23:17 39:3	66:7	6:3,8 7:8 8:24
35:17 36:23	best 79:21 90:10	43:21 45:9,13	call 2:3,3 6:4	9:16 10:6,9,17
44:3 45:24	better 17:24	46:24 54:4	9:21 57:5	10:21,24 11:4
48:4 51:3,4,6	18:1 80:25	building 14:14	66:21	11:14 12:24
61:9 68:17,18	big 26:12,13	14:15 27:14,15	called 9:22 59:9	15:19,22 16:3
69:12,25 70:7	58:15	28:1,5 58:15	calls 22:19	16:15,22 18:1
70:12 71:3	biggest 72:3	buildings 14:12	Cameron 62:12	18:5,15 20:13
72:19 74:14	Bill 5:6 6:7,20	66:21	62:17 65:3,4	21:7,14,20
76:6 80:12	10:3 21:1	builds 28:3	72:12 73:6	24:5,9,12,22
81:19 82:7	54:25 55:17	44:15	76:9 81:7	25:2,5,7,11,14
84:4 86:14	56:8 61:2 76:5	built 14:13	car 33:7	25:24 26:22
87:11,15	85:13	86:19	care 8:15 25:19	28:12,19 29:2
background	bit 42:5	bumpers 27:22	29:6 62:11,17	29:25 30:7,10
33:14	black 20:2	27:22	carefully 12:4	31:10,14 37:1
bad 12:21	Blazer 36:13	bunch 27:23	Carla 2:22	37:23 38:13
banks 42:9	blend 74:13	39:6,7	61:13	40:2,21 42:17
barrels 44:11	blue 34:10	burden 55:8	carried 60:25	43:13 45:3,5
based 32:22	Bluff 34:25	burdens 57:3	84:3 85:6	46:10,16 47:2
52:14 56:13	Board 9:11	burning 35:16	cars 12:3,8 39:6	47:8 49:4,15
71:7 72:11	Boland 5:9 6:12	35:17,18	39:7,17,22	49:23 50:6,17
73:24 79:18	6:13 10:16,25	business 2:8,11	40:11,16 42:1	51:11,22 52:3
basically 20:17	21:25 22:5,9	2:18 8:12,14	43:6 45:17	52:7,19 54:6
46:10 47:18	22:13,25 25:16	8:15 9:5,5,15	46:2 58:10,12	54:13,17,20

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

55:14 57:13,17 58:18,21 59:21 60:10,14,18,23 61:5,19 62:3 62:10 64:24 73:6,12 76:7 81:6,20,24 82:16,25 83:6 83:9,13,17,21 84:1,16,20,24 85:4,13,16 88:6,18,24 89:2,6,11 CHAMBERS 1:3 chance 36:10 change 32:20,21 50:8,10 78:20 changed 32:17 50:5 56:4 72:7 changes 27:24 28:18 50:11 changing 21:10 25:12 charged 36:24 37:13 chassis 27:18 check 46:22,25 checked 23:5 Chevy 36:13 children 39:12 40:15 chip 41:23 choices 86:24 choose 73:11 82:14 city 39:5 clarify 24:5 29:13 Classification 15:7 Claude's 41:12 clean 51:13 cleaned 28:16 55:4 cleaning 50:24	clear 16:11 43:3 44:2 56:13 cleared 17:4 19:19 20:4 23:8 28:24 49:13 52:13 clearly 33:6,10 44:8 47:10 clients 44:14 close 37:4 closely 33:12 closer 17:13 closest 34:11 co-members 69:10,16 code 23:15 24:3 48:7 53:10 56:2 codes 53:8 67:11 coefficient 66:19 cold 18:4 colorful 36:3 come 9:1 12:18 19:21 35:4 38:18 39:18 47:16 48:22 52:18 70:11,14 72:23,24,25 73:3 75:10 79:17 82:7 comes 79:22 coming 35:11 36:17 44:14 81:2 87:11 commencing 1:12 14:25 comment 8:21 43:22,24 85:12 86:1 comments 2:6 9:3,8,19 11:7 11:15 14:12 26:23 28:13 30:1 45:2 59:22 61:25 62:12 64:11	82:1,18 84:8 commercial 14:15,22 21:4 21:4,13,13 34:7 Commission 1:1 1:3 3:10 4:10 5:2 6:5 7:19,22 8:18 9:1,2,4,9 9:10 11:9 13:1 56:10,12 71:12 79:24 80:23 85:8 90:21 Commissioner 5:4,5,6,7,8,9 5:10,11,12 6:10,13,15,17 6:19,21,24 7:1 7:3,5 9:25 10:2 10:4,8,14,16 10:20,22,23,25 11:1,2,3 17:15 17:21,25 18:17 19:2,6,12,16 19:24 20:16,20 20:23,25 21:25 22:5,9,13,20 22:25 25:16 26:4,14,17,20 26:24 27:13,25 28:4,7,10,14 29:4,12 45:8 45:23 46:1,8 47:14,24 48:5 48:13,17,20 49:1 50:2,7,9 50:16,21,23,25 51:2,5,7,9,15 51:20 52:20 55:18,23 57:15 57:21 58:1,7 58:23 59:16 60:6,8,13,15 60:16,17,19,20 60:21,22 62:1 72:12,14 73:13	73:15 74:25 75:4,8 78:4,25 79:4,8,14,15 79:19,20,25 80:4,8,11,18 80:24 81:4,5 82:2,5,22 83:2 83:12,16,18,19 83:20,22,23,24 83:25 84:12,14 84:19,21,22,23 84:25 85:1,2,3 85:11,14,18 86:9 88:4,22 88:23 89:1,3,4 89:5,7,8,9,10 Commissioners 7:10 9:17 18:2 38:14 49:17 85:9 Committee 47:13 49:8,18 52:11,12 54:9 55:1 59:25 communication 7:11 Communicati... 2:6 11:7 community 43:10 55:11,19 62:19 63:2 comparable 12:14 compare 12:13 compatible 56:22 complaint 48:2 48:9,23 complaints 47:19,19 completed 14:16 45:18 compliance 52:8 compliant 26:2 complicated 80:16	complies 56:11 comply 28:21 composite 66:18 66:22 concern 16:23 24:23 39:2 42:24 74:8 concerned 12:10 concerning 9:8 9:10 concerns 40:19 42:25 43:4 concluded 89:15 concludes 56:13 conclusion 9:7 72:2 75:10 conclusions 25:17 condition 33:16 53:13 59:3 71:1,7 74:17 74:22 78:20 conditional 9:11 13:18,23 16:25 20:18 21:18 30:22 37:18 38:8 44:21 47:21 48:19 conditions 14:16 14:18 58:10 conflict 7:11 conform 56:24 confused 58:25 Congratulatio... 87:14 connect 71:24 connection 14:13 72:1 consider 7:12 28:16 57:4,6 construction 72:7,8 contains 13:18 contention 72:3 contingencies 82:24 83:1
---	--	---	--	--

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

<p>continue 70:10 70:14,24 81:22 81:25 Continued 3:2 continues 32:23 contracting 28:8 44:24 controls 63:22 conversation 78:13 85:19 convincing 56:14 cooperation 74:5 copper 35:18 copy 9:18 14:24 19:15 20:2 corner 62:22 69:2 correct 16:21 20:15,19 24:11 24:14 25:4,6 26:19 28:6 29:23 35:20 49:7,11 51:17 51:23,24 54:25 59:9,17,19 75:13 78:12 80:17,23 81:4 corrected 53:15 53:18 corrections 9:19 10:10 correctly 44:11 45:22 correspondence 64:16 Council 71:25 COUNSEL 5:15 count 71:20 counted 24:16 county 1:1,2 4:3 4:4 5:16 6:5 7:19 14:14,22 15:3 17:19 32:12 35:22</p>	<p>37:8 40:17 47:1 52:1,5,9 52:17,21 54:11 54:15,19,22 55:16,21,25 57:2 63:19,25 64:12 67:17 68:12 69:21 72:11 76:5,8 76:15 77:1,4,9 77:14,23 78:17 County-maint... 14:9 couple 31:22 33:1 36:23 39:11 46:18 60:2 73:18 course 49:16 court 53:6 90:3 90:18 create 62:19 cross-section 68:1 cubic 66:25 Cummins 27:19 Cunio 5:7 6:16 6:17 9:25 10:22 60:16 83:19 84:22 89:4 Cunio's 9:22 CUP 14:13 21:23 25:8 30:12 38:2 55:24 59:5 84:13,17 current 12:11 currently 35:6 36:24 40:11,14 59:10 70:17 curve 12:9 custom 16:8 43:21 44:15 45:9,13 custom-built 27:21</p>	<p>customers 35:3 cut 18:25 72:10 79:10 cutting 74:1 <hr/>D<hr/>D 2:1 3:1 4:8 6:1 8:6,11 Dad 41:8 daily 33:17 Dan 5:10 6:25 72:19,20 danger 87:24 dangerous 11:24 date 51:25 day 41:12,21 42:10 days 9:12 dead 82:15 deadline 49:25 deal 37:17,20 82:17 86:25 dealing 21:9 dealt 8:13 death 40:15 debris 15:17 decent 74:14 decide 9:5 68:3 77:21 decided 31:23 decides 50:10 decision 9:9 60:1 61:11 62:2 Decker 3:4 11:13 12:7,12 12:18 62:11,17 62:22 64:10 65:5 66:4 67:24 78:7 declarations 7:15 declare 7:10 dedicate 15:11 64:9 deeded 68:24</p>	<p>deep 39:16 43:4 define 59:3 definitely 87:17 dejavu 53:7 demolition 16:6 27:9 denied 85:7 deny 49:10 50:2 54:16,21 56:13 84:13,17 department 9:14 14:14,22 64:20 67:7 71:8,17 81:10 86:20 depend 77:7 deprive 42:14 derelict 15:18 23:13 32:10 33:10 36:8,19 38:5 39:6 described 90:7 DESCRIPTI... 4:2 designed 15:8 15:10 desire 8:1 53:18 detail 16:4 details 13:7 62:15 determine 37:9 detrimental 38:9 56:17 developed 63:10 developer 64:19 70:22,25 71:13 71:14 81:8 developer's 76:1 developers 82:17 developing 62:25 development 3:4 62:11,17,20 63:3,14,22 64:3,6,18 65:5</p>	<p>67:3 69:16 70:18 dictate 80:9 different 35:13 39:21 45:15 differential 66:10 difficult 73:23 diminution 38:7 direct 86:7 directly 11:18 11:19 38:23 Director 5:14 Director's 3:11 88:10 disassembling 35:12 disassembly 23:14 discuss 53:21 61:10 85:10 discussed 55:8 discussion 2:17 2:23 3:7 9:8 29:14 47:9 58:22 61:10 84:6,8 85:15 88:8 discussions 73:17 dismantle 46:7 dismissed 12:16 disrepair 23:14 distance 34:17 34:19 67:14,22 67:23 68:7,8 70:7 73:19 75:2 79:11 80:22 86:11,21 87:4,16 district 13:13,21 14:1 18:9 62:20 63:12 64:7,8,17,18 71:23 72:1 disturb 63:21</p>
---	---	---	---	---

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

disturbance 63:20	20:9 21:6,8,18 23:2,10,18,23	energy 86:7	46:10,16 47:2	74:11 75:19
ditches 26:11,13 74:12	30:5 31:4 32:4 47:20 48:1,11	engineer 64:15	47:8 49:4,15	expecting 35:3
DNR 63:20	48:15,18,24	Engineering	49:23 50:6,17	Expires 90:21
Dodge 36:15	49:3,11,21,24	65:5	51:11,22 52:3	expiring 14:19
doing 16:6 22:16 22:17 25:3	50:4,14 51:18	enlightened 86:3	52:7,19 54:6	explain 61:3
27:23 35:6	52:10 56:9	enter 16:25	54:13,17,20	explained 18:23 18:24
37:7 73:7,9	59:7,17,20	entered 37:6	55:14 57:13,17	expressed 43:1
77:16 79:5	61:2,17 62:8	entertain 10:12	58:18,21 59:21	extra 19:4 20:4
door 40:18	62:16 74:20	30:3 49:20	60:10,18,23	
Doris 42:5	76:24 77:3,11	82:20 84:10	61:5,19 62:3	F
doubt 53:4	77:15 78:1	88:21	62:10 64:24	fabrications 27:21
dragging 36:6,9 38:3 39:17	80:2 81:15,22	entire 34:22	62:10 64:24	faced 70:1
drastic 32:20,21	83:4,8 88:11	35:2,4 46:6	73:6,12 76:7	facility 44:12 53:24
drawn 34:10	earlier 49:12,14	entrance 11:18	81:6,20,24	facing 70:5
drink 39:25	53:6 75:18	12:16,21 14:23	82:16,25 83:6	fact 17:1 26:2 33:20 38:3
drinking 38:5	early 86:3	64:21,23 67:21	83:9,13,21	40:10 57:6
dripping 39:17 39:23	Earth 32:6,8 34:15	68:2 71:4,5	84:1,16,24	69:25 81:3
drive 12:1 41:24 45:15 78:15,18	easement 63:16	73:21,23 75:19	85:4,13,16	85:23 86:23
78:23	63:16,17 78:2	75:21,24,25	88:6,18,24	factor 66:20 79:18
driveway 11:19 12:1 26:18	78:8	76:2,10 80:25	89:6,11	evening 65:6,8
78:21	easements 74:6	86:10,19,25	events 66:8,9 67:3	eventually 16:8 39:24 59:13
driving 78:19	75:12	87:19	everybody 61:3	evidence 8:8 31:6 56:14
dropping 82:7	east 1:4 42:21	entrances 14:20 72:4	evidence 8:8 31:6 56:14	57:4,7,7,9
drove 33:3 85:24,25	68:2 69:3	environmenta... 39:10	eventually 16:8 39:24 59:13	everybody 61:3
drunk 36:18	East/West 15:7	equipment 14:3	eventually 16:8 39:24 59:13	evidenced 71:24
dry 13:15 16:13	Eckelkamp	erosion 63:22	eventually 16:8 39:24 59:13	exactly 27:8 29:11 32:16
ducks 71:11	30:18,19,20	especially 36:3	eventually 16:8 39:24 59:13	36:22 44:17
due 81:2 86:12	31:5,8,13,15	Evans 5:3 6:3,7 6:8 7:8 9:16	eventually 16:8 39:24 59:13	49:1 72:14,16
	32:4,5,5 37:3	10:6,9,17,24	eventually 16:8 39:24 59:13	78:18
E	37:25	11:4,14 12:24	eventually 16:8 39:24 59:13	examined 14:21
E 2:1,7 3:1 4:1 5:1,1 6:1,1	edge 12:1	15:19,22 16:3	eventually 16:8 39:24 59:13	example 66:24
Eagan 2:4,13 3:5 5:14 6:7,9	effect 39:22	16:15,22 18:1	eventually 16:8 39:24 59:13	excuse 42:2 87:23
6:12,14,16,18	either 35:12	18:5,15 20:13	eventually 16:8 39:24 59:13	87:23
6:20,23,25 7:2	73:22 82:11	21:7,14,20	eventually 16:8 39:24 59:13	exhibit 4:4,6,7,8 8:4,5,6,6 31:8
7:4,6,18 13:8	Eleventh 5:19	24:5,9,12,22	eventually 16:8 39:24 59:13	32:1,3
17:13,17 19:21	eligibility 56:7	25:2,5,7,11,14	eventually 16:8 39:24 59:13	exhibits 4:10 7:17 8:11
	employee 24:16	25:24 26:22	eventually 16:8 39:24 59:13	existing 14:20 24:9 57:22
	employees 24:13 50:11	28:12,19 29:2	eventually 16:8 39:24 59:13	66:21 67:6
	encompassed 74:2	29:25 30:7,10	eventually 16:8 39:24 59:13	
	end-loaders 17:5	31:1,10,14	eventually 16:8 39:24 59:13	
		37:1,23 38:13	eventually 16:8 39:24 59:13	
		40:2,21 42:17	eventually 16:8 39:24 59:13	
		43:13 45:3,5	eventually 16:8 39:24 59:13	

PUBLIC MEETING 8/15/2017

15:11,12,13 39:15,21 63:3 66:25 68:7 74:1,2 felony 37:13 felt 55:19 fence 26:8,8 Fifth 34:22 fighting 18:4 figure 68:11 file 2:12,22 3:4 8:6,21 13:5,8 50:18,22 60:11 61:9,13 62:5 62:11,16 83:14 84:4,17 85:6 files 4:8 51:19 61:8 filled 66:16 final 9:9 64:13 71:15 73:5 74:21,23 81:8 83:10 finally 37:10 86:21 87:15 find 57:3 87:1 finds 56:10 fine 24:1 44:9 finish 61:6,7 finished 31:23 fire 64:4,7 67:7 first 8:13,18,22 31:25 33:5 34:9 36:4 45:13 76:23 five 31:11,18 69:17 flip 32:25 36:22 Flipping 34:9 35:21 FLOOR 1:3 fluid 39:8,9 fluids 39:17,23 44:10,11 folks 41:7,13 42:6	Follow 34:2 followed 8:18 following 56:15 foot 39:16 force 70:23 Ford 27:14,15 27:20 45:21 46:20 Fords 16:9 foregoing 90:5 Forget 53:22,22 forgot 75:17 form 81:13 forth 63:24 Forum 3:10 85:8 forward 12:4,20 12:20 81:25 found 47:23 four 61:14,24 74:1 four-door 46:18 Franklin 1:1,2 4:4 6:5 7:19 14:14,22 15:3 35:21 40:17 47:1 63:18,25 64:12 71:17 frankly 40:15 front 9:1 26:3,3 33:6 35:24 Functional 15:7 further 34:18 44:23 47:8 79:12 84:6 future 11:18 18:11 24:17,19 87:8,10	garages 46:23 gate 17:9 26:7,7 26:9,15,16 Gateway 15:7 gather 42:8 general 38:11 56:18 genuinely 12:10 getting 29:15 37:4 56:7 give 7:9,16 13:6 16:4 34:15 37:17 62:15 65:7 75:1 given 8:1 44:19 gives 74:24 Glen 24:15 36:6 go 12:4,17,20,20 16:19 25:9 44:8,9 45:24 46:5,12 48:8 48:19 51:8,17 59:12 61:9 68:3,12,17,18 68:18 69:25 72:18 74:6 76:9,10,19 77:10,22 78:10 80:14 82:4,15 88:1 God 38:6 goes 34:2 87:9 88:17 going 12:21 16:23 24:21 26:8 27:4,8 28:25 29:5,17 30:5 32:25 35:19 36:11 37:19 39:12,16 39:18,24 40:16 41:19 43:25 44:8 46:22 48:6,8 52:24 53:13,23 55:4 57:8 58:4	65:15,23,23,24 66:15 72:15,16 73:1,2,9,10,21 74:9,14 75:1 75:21,23 76:9 77:7 79:7,10 79:16 80:3,12 82:11,13 83:7 86:5,15,16,23 87:3 good 10:2 22:4 39:11 65:8 69:22 87:6 goods 14:3 Google 32:6,8 34:9,15 Gosklos 11:12 11:13,16 governed 7:19 GOVERNME... 1:2 grade 87:2 granddad 42:11 42:12 granddaughter 40:14 grandpa's 45:20 granted 16:25 53:14 71:16 granting 71:1 gravel 16:13 28:25 41:25 Gray 34:20 68:3 great 67:1 great-great-gr... 41:7 ground 39:9,19 39:24 guess 16:16 18:5 22:1 36:18 54:24 57:15 65:17 71:3 72:21 75:17 guys 20:10 35:23 51:18 52:14,24 53:12	53:16 74:22 81:19 83:5 88:12,17
	<hr/> G <hr/> G 2:7 6:1 gal 19:15 game 42:9 garage 17:7 20:2 23:24 24:6,10 57:22,23,25 58:4,6			<hr/> H <hr/> H 2:7 4:1 Haire 5:10 6:25 7:1 10:14 11:1 60:20 62:1 72:12,14 79:14 79:19,24 83:23 84:14 85:1 88:23 89:8 half 32:19 34:23 35:2 44:18 45:21 hand 90:14 handling 53:5,5 hands 32:17 happen 74:9 happened 32:16 32:20 47:20 happening 88:1 happens 48:12 48:16 61:4 70:5 hard 41:14 42:6 hate 55:18 hauling 18:7 21:16,22,22 42:1,1 head 18:4 health 38:9 54:1 55:10,19 56:17 hear 30:6 35:16 43:19 49:12 76:6 heard 4:8 8:7 29:16 41:22 49:14 hearing 2:4 7:23 7:25 8:22 35:10,14 56:14 hearings 7:24 31:11 heart 42:3

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

heavily 29:1	husband 22:2	intend 62:7	33:21 35:7,8	15:24 84:5
heavy 28:5	24:15 35:24	intention 46:2	41:19 42:1	Kuenzel 30:20
held 90:6	36:2 45:20	interest 53:19	43:5,8,11,25	
helps 55:9	59:10	intersection	46:5	L
hereto 4:11		34:11 67:15	jurisdictional	L 30:20,21 38:22
hereunto 90:13	I	68:20 70:19	56:15	Labadie 64:17
heritage 41:16	identification	71:2		68:3,7 71:23
Hertweck 1:24	4:2 8:9 31:7	intoxicants	K	71:25
5:18 90:3,18	identified 65:15	36:16	keep 31:18	lady 69:3 75:18
Hey 20:25	identifying 66:7	investigate 48:8	33:17 88:16	land 4:4 7:20
hideous 87:3	67:10 71:12	involve 7:23	kept 22:1 87:11	14:7,7 15:3
high 57:3	image 32:8	involved 12:20	kids 42:7,7,7	16:12 17:4
highlighted 36:5	imagine 66:12	68:16 69:15	kind 34:2 45:14	28:24 63:20,21
highly 71:21	68:1,18	82:12	53:7 58:25	63:25
Highway 12:14	impact 66:3	involves 7:25	65:8,20,20	lane 62:21,23
14:22 34:11,17	impartially 7:13	Irene 42:4	69:13 73:7,23	68:19,23 69:20
34:17 40:7	important 66:1	issue 9:5 21:9,17	73:25 75:15	70:1,2,4,10,11
64:15,20 71:7	improved 12:19	26:2 74:1,12	kinds 35:14	70:14,16,17,25
71:17 74:21	Improvement	74:18 82:4,6	39:23	73:11 76:10,13
81:10 85:25	64:11	82:17 86:10,12	knew 86:12	76:22 78:14,16
hill 68:6	incident 35:22	87:20,25	know 16:10	79:9,22 80:20
hills 12:10	36:4	issues 7:13 8:14	18:14 19:10	81:2,16 82:3
hire 24:18	include 13:11,22	11:22 25:25	20:6,9 21:7	82:12
history 36:3	included 20:18	43:20 47:10	22:18 24:12	large 16:12
home 40:13	71:22 83:7	75:2	25:22,23 27:23	65:11
44:25	including 15:17	it'll 54:20	29:20,22 32:2	larger 28:3
homeowners	indefinitely	item 8:15	35:5,6 42:2	late 27:14,15
87:8	51:24	items 8:12	44:5,22,24	41:8
homes 34:14	indicating 64:17	iterations 87:12	45:18,19 47:1	late-model 16:9
homestead 41:9	indication 29:15		48:8 53:14,16	law 7:25
honestly 87:6	individuals 8:1	J	53:17 55:3,5	lawn 66:15
hood 33:7	influence 7:12	Jack 38:21,21	58:14,14,16	lawns 65:25
hook 64:18	inform 62:4	Jackie 11:12,12	59:10 62:9	66:16
hope 12:16	information	Jackson 42:20	69:19 70:5	leakages 44:10
53:12 70:20	29:16 38:20	42:21	72:6 74:19	leaking 38:5
76:2,3	52:15 60:5	Jay 6:9	80:7 81:14	lean 12:2
hopefully 38:20	61:16	Jen 42:4	86:6,18,22	learn 88:7
horn 12:4	informed 64:14	job 54:4	87:9,12,16	learned 85:21
hours 9:15	64:19	Joined 6:21	88:13	85:22
17:11 35:11	injury 56:20	Jr 5:3	knowing 45:9	leave 17:8 46:13
37:7	inside 58:3	judge 37:8	knowledge 86:7	52:11 61:20
house 39:4	inspected 47:22	July 2:5 9:18	knows 12:7 38:6	85:17
44:18 76:17	installation	10:18	39:22 47:18	leaves 76:3
houses 34:5	13:11,22 45:18	jump 25:17	61:3	leaving 85:17
41:14	67:8	junk 15:17	Kristen 2:12	left 12:5 68:3,6
hunt 42:8	installing 26:7	32:11,12,22,24	13:5,9 15:21	87:25

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

<p>left-hand 33:25 LEGAL 5:15 legitimizing 37:18 length 34:22 35:2,4 44:13 leniency 31:20 Les 42:4 let's 44:13 51:8 letter 23:1 26:6 29:16 64:22 67:10 71:12,14 71:18 level 86:15 license 44:5 life 41:7 lifts 45:16 light 47:17 85:24,25 lights 67:18 limit 31:11 limited 11:15 67:23 70:6 line 15:14 20:2 26:11 34:10 73:18 76:14 79:23 lines 12:19 67:8 listen 12:3 27:6 76:1 Litigation 1:25 5:17 little 31:19 80:16 live 38:22 70:1 82:12 lived 41:6 lives 12:7 40:14 LLC 24:17 LLP 22:8 local 15:8 located 13:14 62:21 64:1,6 location 13:25 59:12,14,15 87:1</p>	<p>locations 59:13 LOCUST 1:4 log 41:11,14 long 28:20 39:7 45:10,11 83:2 look 28:17 31:25 33:12,24 36:4 55:7 56:1 65:14 67:20 87:1 looked 19:3 looking 16:18 20:10 32:14 33:22 68:2 77:2,5 81:1 85:23 87:22,23 looks 16:18 67:25 lot 33:13 41:15 43:19 44:14 63:2,5,7 67:13 71:10 72:3 73:7,9,10 77:10,12,13,19 78:10,15,21 79:16 80:14 85:21,22 86:2 86:6,16 lots 65:11,11,12 77:10 loud 35:14 Louis 5:20 low 39:14 low-density 14:6 lower 67:17 68:12 69:20,21 78:17 87:11 lowered 78:16 lowering 70:7 Lueken 62:12 62:17 65:3,4 72:13,18 73:8 73:17 75:7,13 76:11,16 77:6 78:3,12 79:2,6 80:6,10,17</p>	<p style="text-align: center;">M</p> <p>Ma'am 21:25 45:6 mail 23:3,5 41:18 mailed 23:3 main 30:19 76:12 maintained 87:7 maintains 80:14 maintenance 13:12,23 major 23:13 making 27:21 42:15 60:1 manager 24:17 24:24 mandation 71:23 manger 22:8 map 4:6 8:5 19:3 34:9,15 mark 5:16 41:1 41:1 52:4,19 54:7 57:14 60:1 76:11 82:10 marked 8:8 31:6 32:2 marks 12:9 maroon 33:7 Master 4:7 8:5 match 78:17 Material 15:16 matter 7:25 matters 7:21,23 7:23 McCreary 5:12 7:2,3 10:4 11:3 17:15,21,25 18:17 19:2,6 19:12,16,24 20:16,20,23 26:4,14,17,20 28:14 47:14,24 48:5,13,17,20</p>	<p>49:1 50:9,16 50:21,25 51:5 51:9,15,20 52:20 60:22 80:18,24 81:5 83:25 85:3 89:10 McLaren 5:6 6:20,21 26:24 27:13,25 28:4 28:7,10 55:18 55:23 57:15,21 58:1,7 60:15 83:18 84:21 85:11,14,18 88:4 89:3 mean 18:12 19:7 22:2,15 29:10 44:8 46:18 47:17 48:9 51:7,15,18 53:2 54:14 59:7 68:22 74:8,20 80:12 81:1 means 27:16 51:12 66:19 67:23 mechanic 24:24 mechanic's 34:6 Medicare 56:6 meet 14:18 64:8 73:19,20 80:22 81:3 meeting 1:10 6:4 6:22 7:16,19 8:7 11:17 63:24 68:13 72:6 86:10 meets 83:3 member 24:16 MEMBERS 5:2 memory 56:8 men 42:3 mention 12:15 75:17</p>	<p>mentioned 11:21 18:7 65:21 66:6 67:6,19 69:14 merchandise 14:3 met 64:20 67:11 67:11 69:16 75:1 methods 68:11 microphone 17:14 19:22 middle 33:25 34:13,14 35:5 36:9 38:4 41:20 53:24 Midwest 1:25 5:17 mile 12:18 13:15 34:24 35:2 44:18 miles 34:12,13 34:16,18,20,23 35:1 mind 52:18 minds 52:24 mine 54:5 minimum 63:2 minutes 2:5 9:18 10:13,15,18 11:6,15 31:12 31:18 misdemeanor 36:24 missing 33:6 Missouri 1:5 5:20 7:24 30:20 90:5,19 mitigate 43:7 MO 36:18 model 27:14,15 modify 50:13,15 67:24 72:21 MoDOT 71:10 Mom 41:8 money 42:15</p>
---	---	--	---	--

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

<p>month 9:24 10:1 11:17 50:22 51:14,17,17,19 52:15 62:5 85:20 88:7,12</p> <p>months 51:16 61:15,24</p> <p>morals 56:18</p> <p>mother 32:18 41:9</p> <p>motion 10:12,18 30:4 49:20 50:22 60:7,9 60:11,25 82:21 82:23 83:14 84:3,11,13,17 85:6 88:21,22 88:25</p> <p>motor 13:11,21 27:18,19 45:15</p> <p>move 9:5 10:14 13:3 29:14 47:12 49:9 54:18 73:22</p> <p>moved 2:18 29:22 44:4</p> <p>moves 61:4,6 67:12</p> <p>moving 29:5 33:19 43:6 61:12 67:5 71:19 81:23 84:4</p> <p>Muckler 88:16</p> <p>multiple 23:18 33:8</p> <p>muscle 22:4,16</p> <p>mushrooms 42:8</p> <p>mustard 73:16</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1,7 3:1 5:1 6:1</p> <p>name 8:22 9:21 11:10 15:23</p>	<p>30:16 37:11 38:18 40:4,24 42:19</p> <p>name's 38:21 65:4</p> <p>nature 22:18 27:20,22 45:16</p> <p>necessarily 18:22 26:12</p> <p>need 12:13 14:13,21 17:17 18:20,22 19:7 20:5,17 29:6,7 29:23 43:11 46:23 53:1,21 74:4,5,21 86:4</p> <p>needed 24:18 87:16</p> <p>needs 12:11 46:4</p> <p>neighbor 36:6</p> <p>neighbor's 39:20</p> <p>neighboring 56:20</p> <p>neighbors 36:10 37:17</p> <p>never 11:20 18:23 42:16</p> <p>new 2:11 8:15 9:5 13:5 14:20 27:18 38:20 42:15 60:4 61:6 72:11 80:21</p> <p>newly 41:22</p> <p>nice 73:17</p> <p>night 9:6 35:11 35:15 41:22 49:14</p> <p>noise 41:21</p> <p>noises 35:10,14</p> <p>non-stop 41:21</p> <p>Non-Urban 13:13,20 14:5</p> <p>normal 9:14</p> <p>north 5:19 12:17</p>	<p>66:4 67:22 68:6 79:11 87:22</p> <p>northwest 13:15 62:22</p> <p>Notary 90:4,19</p> <p>note 11:20</p> <p>noted 36:12,16 40:19</p> <p>notes 90:8</p> <p>notice 9:20 15:16 16:11 23:20 28:20 43:2</p> <p>noticed 86:1</p> <p>Nuisances 15:17</p> <p>number 23:7 25:9,15</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 6:1</p> <p>o'clock 69:18</p> <p>o8o 89:16</p> <p>obligation 57:6</p> <p>obviously 18:24 31:24</p> <p>October 32:7,14 32:15 59:1,6</p> <p>off-site 16:6</p> <p>offer 70:25</p> <p>offered 70:24</p> <p>office 35:22 59:11</p> <p>offices 9:14</p> <p>official 4:6,7 8:4 8:5</p> <p>Oh 10:4 17:2,16 24:4 25:6 30:7 45:7</p> <p>oil 27:24 39:9</p> <p>okay 7:6 11:14 16:22 17:2,2 17:23 18:10,12 20:1,20,21 22:5,9 23:21 24:4,4,22</p>	<p>25:10,13 26:14 26:20 28:10 29:2,9 31:13 43:17 45:23,25 46:16 47:24 48:6 49:15 50:8,16 52:9 52:21 57:12,17 58:1,17,18 59:16,20 61:19 62:3 65:3,7 69:12 74:24 75:1 76:15 77:14 81:5 82:14 86:15</p> <p>Oklahoma 42:21</p> <p>old 2:8,18 8:12 8:14 9:5 13:3 27:17 47:12 49:9,18 54:9 54:16,18 56:7 59:25 60:7,11 61:4,6,9 84:4</p> <p>older 16:9</p> <p>on-site 63:4,13</p> <p>Once 8:14 28:19</p> <p>open 31:11 52:12 61:9</p> <p>opened 8:16,17</p> <p>operate 13:10</p> <p>operating 22:14 32:11</p> <p>opinion 43:7</p> <p>opportunity 7:10 8:2 51:12</p> <p>oppose 38:2</p> <p>opposed 11:4 50:11 60:23 84:1 85:4 89:11</p> <p>opposition 2:15 30:15,22 31:3 38:18 40:4,24 43:1,15</p> <p>option 49:12</p>	<p>51:25 52:10 54:23 87:5</p> <p>options 12:15 47:12 49:7,19 54:9,12,23,24 59:24 60:2</p> <p>oral 62:13</p> <p>order 2:3 6:4 74:9 75:16</p> <p>ordered 45:17</p> <p>original 41:9,11 62:18 63:5</p> <p>originally 27:4</p> <p>outline 69:18</p> <p>outside 58:4,12</p> <p>outstanding 36:21</p> <p>overhead 16:18</p> <p>Overview 33:23</p> <p>owner 15:15 75:14 87:17</p> <p>owners 30:21,23 31:2,16 67:15 68:16,21,22,23 69:6,15,22 70:20 72:5,22 73:3,4 75:6,15 76:19,23 82:12</p> <p>owners' 74:5</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 5:1,1 6:1 30:21</p> <p>p.m 1:12 89:15</p> <p>Pacific 34:20</p> <p>packet 37:10 71:14,22</p> <p>page 2:2 3:3 4:2 9:21 31:25 32:14,25 33:5 33:6,22,25 34:19 35:21 36:4,20</p> <p>pages 36:23 37:10</p> <p>parameters 68:13 72:7,8</p>
---	---	--	--	---

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

72:11 parcel 18:25 19:3,4,13 20:5 20:18 26:3 50:10 77:19 parcels 13:18 18:19 20:14 28:17 parents' 40:13 parked 17:8 23:7 40:11 parking 15:2,2 17:4 19:19 20:4 58:11 part 8:21 23:8 28:8 46:6,13 46:14 parties 70:17 parts 13:11,22 23:25 24:2 41:25 46:2,3 46:12 party 36:5 pass 51:8 54:16 73:16 pasture 66:13 66:13,14 path 40:18 Patsy 1:24 5:18 90:3,18 Paul 37:11,13 43:22 PAUSED 69:11 pavement 63:24 66:20 pay 21:4 people 17:9 24:23,25 31:22 33:17 35:3,9 37:16,20 43:1 44:6,16 48:7 68:23,24 70:1 70:9 73:10 76:22 78:7,8 78:14 80:13 82:3	people's 34:14 44:6 percent 87:2 perilous 12:6 period 74:22 permission 74:6 81:14 82:9 permit 13:18,23 14:25 16:25 20:18 21:19 30:23 35:25 37:18 38:8 44:22 47:21 48:19 56:13 63:20 permits 9:11 88:13 permitted 14:1 18:8,12 24:3 person 24:20 36:17 personal 31:21 31:23 43:20 personally 61:22 phases 63:10 65:16 photos 33:1 physically 29:8 pick 45:13,14 picked 44:2 picking 42:11 pickup 36:15 picture 32:9 33:12 58:15 piece 77:17,18 pieces 76:19 place 8:3 35:11 42:8 64:21 73:4 79:21 90:7 places 23:25 plan 4:7 8:5 32:23 56:23 64:21 planning 1:1 3:10,11 5:2,13	5:14 6:5 7:9,18 7:22 8:10 9:4,9 9:10 14:24 33:18 56:10,12 85:8 86:15 88:10 plans 64:11,14 plat 63:23 65:14 65:17,21,22 71:5,7,15,15 72:19,20 73:5 74:18,21,23 76:25 77:20 78:6,16 81:7,9 81:18 82:23 83:10,14 85:20 Plats 2:21 61:1,8 61:13 please 6:6 7:16 11:10,11 13:6 15:22 16:3 19:22 30:16 31:14 37:23 38:18 40:4,5 40:24 42:18,19 45:6 52:19 57:19 85:17 plot 16:12,12 17:4 28:24 point 32:11 35:1 pointed 9:20 28:17 popped 33:7 portion 33:6 positioned 67:21 positioning 68:5 possible 9:4 31:19 44:22 post 66:25 67:2 postpone 51:25 57:8 postponing 54:10 60:3 potentially 49:13 52:11,14 59:11 86:6	poured 41:23 Powell 38:21,22 41:1,1 practically 40:17 preliminary 2:21 61:1,7,8 61:12 65:14,17 71:4,6 72:20 74:18 76:25 77:20 78:15 81:7,18 82:23 83:14 85:20 premise 24:25 prepared 62:6 present 6:11 9:22,23 11:8 15:20 53:9 55:9 64:25 presentation 2:13,14,15 3:5 3:6 7:16 11:21 presented 8:9 pretty 11:24 58:9 59:2 83:7 previously 67:19 90:7 print 8:22 prior 14:25 69:6 private 82:8 Probable 37:5 37:14 probably 24:20 35:20 38:24 60:3 85:20 86:2 procedures 2:4 7:17 68:11 proceed 9:9 81:13 proceeding 3:3 90:5 proceedings 1:9 2:2 89:14 90:8 90:12 process 59:15	Professional 90:3 profile 69:25 74:14 project 11:18 prompted 59:5 proper 76:17 properties 14:4 56:20 66:3 property 11:19 11:23,25 13:14 13:20 14:6,8 15:1,15 16:7 20:3 21:10,12 23:11,12,15,17 26:11 29:5,8 29:18 30:21,23 31:2,16 32:7 32:17,20 33:17 33:19,24 34:4 36:3 37:19 38:7,24 39:2,3 39:7,13,15 40:12 43:3,7,8 44:19 48:6,25 57:22 59:2 62:21,24 63:18 66:5 68:16,21 68:21,22,25 69:6,14,22 70:20 72:22,23 72:25 73:3,4 74:4 75:6,15 76:19,23 77:17 79:22 82:8 87:17 proposal 39:11 70:21 75:22 76:2 86:14 propose 86:16 86:16 proposed 11:17 12:21 14:4 65:14 66:21 67:14 69:16,18 69:19 70:9,13
---	---	---	---	--

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

70:15,18 80:7 81:17 proposing 16:4 63:9,13 67:17 69:7,20 71:6 protection 64:4 64:7 provide 64:4 provided 8:23 15:3 63:11 68:14,15 provisions 56:11 public 1:10 7:23 7:24,25 8:22 12:11 15:16 22:4 38:9 53:19 54:1 55:10 56:17 62:13 90:4,19 pull 11:25 17:18 17:19,21 26:13 36:19 purchase 46:6,6 purchased 11:23 purple 76:14 purpose 52:2,6 55:3 71:13,17 put 9:22 16:13 16:24 17:1,9 20:7 24:18 25:8 41:19 53:8,12 58:9 64:21 66:15 73:21,22 74:17 74:22 82:24 83:5 putting 27:18,19 34:6 39:6	58:24 66:2 72:22 73:1 76:18 78:23 80:19 questions 8:19 9:7 18:2,16 21:24 26:23 28:13 29:10 30:1 38:14 47:4,11 49:5 58:22 59:22 73:12 82:1,18 84:8 quick 31:19 quickly 11:24 12:5 quietly 85:17 quorum 7:7	rebuilding 16:8 rebuilt 46:19 rebuttal 2:16 43:18 receive 14:24 received 9:18 16:10 22:24 25:22 61:17 64:16,22 recommendati... 52:14 record 8:4,10 31:8 54:4 55:6 71:15 Recreation 44:17 rectangle 20:3 rectified 53:15 recycle 44:12 recycling 37:6 red 36:13 redid 45:20 reduction 67:1 reference 34:16 reflect 77:20 reflected 73:5 regarding 64:20 67:14 regards 44:13 57:9 64:22 88:13 regular 17:11 23:3 regulations 4:5 7:20 8:4 15:4 32:13 56:12 57:1 63:19,25 88:12 Reinhold 5:4 6:14,15 10:20 20:25 60:13 83:16 84:19 89:1 related 66:16 67:7 relates 66:1 71:3	71:4,5,21 relationship 7:11 relevant 11:21 relook 72:9 remember 55:7 56:5 79:9,9 82:8 remnant 77:19 remove 29:17 removed 33:15 rent 18:13 rental 14:3 repair 13:12,22 27:5,5 43:21 53:24 59:4 replaced 65:25 report 3:11 8:17 35:22 36:5 88:10 Reported 1:23 Reporter 3:14 90:1,4,18 reporting 36:5 represent 30:21 31:2,16 32:6 representative 64:16 71:25 representing 65:5 represents 90:11 request 13:17 38:19 62:18 requesting 13:10 16:19 require 7:24 13:23 64:18 required 63:21 64:7,9 72:1 requirement 83:4 requirements 56:15 81:3 reserved 42:13 residence 24:6 37:12 43:23	residential 14:7 residents 37:22 38:1,10,10,11 resides 37:12 resolution 87:7 respond 47:19 rest 44:1 restore 41:10,14 restored 41:15 result 14:18 retained 4:10 review 47:13 49:8,18 52:11 52:12 54:9 55:1 59:25 64:15 65:9 reviewed 64:12 revisit 72:9 revisited 12:17 rework 74:10 rezoning 21:16 55:20 Ridge 13:15 14:8,10,21 15:5,25 31:17 33:4 34:1,12 36:7 38:1,22 38:23 40:12 41:2,6 right 12:6 16:5 16:20 19:19 20:5,13 21:5,9 21:14,20,20 27:12 29:23 34:3 38:24 39:18 40:4,21 41:12,20,20 46:17,19 47:2 48:5,9,17,20 52:3 53:11 54:6,17,19 55:14 61:5,12 62:8 65:19,19 68:3,19,24 69:25 70:3,4,4 71:1 75:18,24
Q	R			
qualified 56:6 question 16:16 18:18 21:1 26:5,25 35:23 47:15 53:20 56:24 57:16	R 1:24 2:7 5:1 5:18 6:1 race 12:8 radiator 39:8 radio 12:2 rained 29:1 Ralph 69:2,17 76:21 Ray 5:7 6:16 9:22 reached 72:5 read 8:18 27:4 56:5 real 82:3,4 realize 29:7 realized 11:24 really 43:20 83:1 85:14,18 86:3 87:4 reapply 50:3,5 50:12 rear 43:6 63:17 reason 36:1,2 53:4 58:9 rebuild 71:1 74:7			

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

76:12,13,14 77:3 78:3,4,19 78:21,22 80:20 81:1,15,20 83:6 85:25 86:8,8 87:19 88:2,18 right-of-way 14:10 15:6,9 15:10,12,13 64:10 66:4 73:10 74:3,11 77:13,21 82:10 rights 22:12 rights-of-way 63:23 77:11 ripened 69:8 River 42:9 road 3:4 11:13 12:8,12,14 13:15,16 14:9 14:9,10,21 15:5,8,8,10,25 16:14,17,20,24 17:1,6,7,10 26:3,9,18 33:4 33:4 34:1,12 34:25 35:1 36:9,14 38:22 38:23 39:17,18 40:17 41:2,13 41:13,23,24 43:9 62:11,17 62:22 63:16 64:10 65:5 66:4 67:18,24 68:1,12 69:21 70:7,15 71:20 71:21 72:11,16 74:10,13 75:11 76:9 77:18,22 77:25 78:7,17 79:5,5,17 80:14 81:17 82:7,9 86:25 87:4,12,17,18	roads 38:3 63:23 roadway 36:7 36:19 74:11 Roadways 15:8 Robert 42:20,21 rock 41:25 roll 2:3 6:6 9:21 12:1 75:25 Ron 5:8 7:4 29:3 45:5 66:7 67:16 68:10,13 72:7 73:13 74:23 75:11 78:13,23 80:19 81:9 82:2 86:2 86:5 rooftop 34:3 room 9:1 rough 59:2 row 71:11 rubber 35:17 rubbish 15:17 run 13:24 32:23 33:9 44:19,24 79:22 running 32:21 35:7 36:10 43:21,24 runoff 66:10,16 66:19,23 runs 76:13,13 Russell 5:12 7:2 RVs 44:18 <hr/> <p style="text-align:center">S</p> <hr/> S 2:7 4:1 5:1 6:1 sad 42:12 safe 54:1 70:19 safer 75:24 76:2 safety 11:22 12:11 38:2,4 38:10 54:1 55:10,20 56:18 79:18 sake 27:7 sale 14:2	sanitary 71:21 sawed-off 37:14 saying 10:19 17:3,3 20:17 21:15,21 23:17 29:21 31:16 42:16 51:8,10 53:3 60:12 72:21 81:13 83:15 84:18 says 33:23 36:11 37:14 56:9 60:1 scared 40:15 schedule 72:8 Schmitt 40:6,7 Schulthehenrich 6:9,10 Scottie 5:14 6:6 7:15 13:6 18:7 23:1 32:2 47:12,16 49:7 53:6 54:7 56:2 61:15,21 62:4 62:15 65:10 66:6 67:6 74:16 78:5 81:9,11 83:1 88:19 screw 87:5 seal 41:23 second 1:3 10:16 10:18 20:17 52:18 53:22 60:9,11 65:7 66:25 83:11,12 83:14 84:14,17 88:23,25 section 64:5 74:15 see 10:5 12:3 16:14 17:3,6,7 17:9 19:10,20 23:12 25:18,19 32:9,15 33:13 33:14 34:1,3,4	34:10 36:23 37:5 41:25 44:13 48:3 52:7,12 76:12 77:22 78:8 80:13 87:18,22 87:22,23 seeing 29:15 33:1 seen 16:13,16,24 23:9 33:3 43:9 seep 39:9 sees 48:21 76:4 semi-swell 66:15 send 47:13 48:24 49:8,18 52:11 60:7,11 sending 59:24 59:25 sense 75:16 79:13,16 sent 15:16 23:2 23:19 48:3 separate 20:7,14 separated 77:13 77:17,18 September 49:25 61:22 88:14 septic 63:14 serious 56:19 service 13:11,22 15:2 35:5 63:11 services 1:25 5:17 14:3 set 63:24 90:13 setbacks 77:24 settled 41:8 sewer 63:4,4 64:17 71:21,23 71:25 72:1 shafts 45:15 shape 81:13 sheet 8:23 Sheriff's 35:22	shop 27:5,5 34:7 43:21 45:16 59:4 shotgun 37:14 show 34:8 showed 18:6 showing 33:23 shown 76:24 shows 20:2,2 34:16,19 59:2 63:15,23 shut 12:2 side 33:25 63:17 74:13 sides 77:12 sight 12:19 41:11 67:14,21 67:22 68:7,8 70:6 73:19 75:2 79:11 80:22 86:11,21 87:4,16 sign 11:11 15:23 30:17 38:19 40:5,25 42:19 74:23 sign-in 8:23 significant 53:3 significantly 34:21 38:9 56:16 signify 10:19 60:12 83:15 84:18 signs 81:11 similar 42:25 71:9 simple 82:8 simply 43:10 53:8 73:7 sir 46:15 54:23 sit 51:24 87:20 site 14:4 44:15 67:16 73:23 sits 39:14 41:11 sitting 33:11,13
---	---	---	--	---

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

35:24 36:13 39:7,22 42:9 61:23 68:2 situation 12:22 29:24 52:22 54:8 70:2,6,23 72:9 86:4 six 51:16 size 57:23 58:16 62:25 63:2,5 64:3 sizes 18:20 skid 12:8 27:10 skimpy 55:6 skip 65:8 slew 30:21 31:2 31:16 slide 65:18 slightly 31:18 smell 36:16 smelling 35:16 snapshot 65:16 solid 54:24 solution 75:3 somebody 22:1 24:19 47:17 59:11 son 32:18 37:11 42:10 46:20 son's 37:11 sons 46:24 soon 37:2 sorry 15:12 17:16 18:4 30:7 45:7 61:2 69:21 70:3,8 77:5 sort 34:6 76:12 sounds 32:22 south 34:25 66:5 67:23 68:8 79:12 87:23 spaces 58:11 speak 8:21,25 30:11,12,14 38:17 40:3,23	42:18 43:14 speaking 22:4 specialized 27:19 specific 51:25 specifically 18:25 spending 86:6 spent 72:3 spoke 75:18 spot 34:7 67:21 68:5 spur 34:2 square 63:3 St 5:20 stack 33:15 staff 5:13 8:17 8:19 14:12 64:11 Stan 6:23 standards 56:25 63:24 64:8 standpoint 59:8 Stanley 5:5 start 24:1 33:1 42:15 86:8 started 59:15 state 11:10 15:23 23:14,19 30:16 38:18 40:4,24 42:18 90:4,19 stated 14:17 54:3,25 Statement 37:6 37:14 states 53:8 statistics 12:13 statutes 47:1 stay 45:6 stays 78:16 steel 27:22 steers 27:10 stenographic 90:8 step 57:18 81:8	step-son 45:20 46:20 steps 69:13 stepson 43:22 stop 76:1 stored 44:11 stories 31:22,23 storm 66:8 67:3 stormwater 64:14 66:2,3 straight 12:18 21:23 86:19 street 1:4 5:19 30:19 34:23 39:20 42:21 Stricker 62:21 62:22 68:19,23 69:2,17,20 70:1,2,4,10,11 70:14,16,17,24 72:15 73:11 76:9,20,21,22 78:14,16 79:5 79:9,21 80:20 81:2,16 82:3 82:12 strictly 76:13 stringent 58:9 stuff 16:11 26:13 29:5 53:7 58:10 67:9 74:13 subdivision 62:19 63:9 65:11,14 66:20 70:15 72:16 79:17 87:5 submitted 31:7 56:14 62:13 64:12,15 66:6 successful 44:20 suggest 61:20 80:3 suggesting 27:7 Summit 34:20 68:4	supervision 90:9 supposed 35:7 44:1 46:19 48:22 51:3 sure 21:2 27:1,6 27:15 29:5 32:16 46:25 47:17 54:8 57:20 69:7 71:11 72:18 73:3 76:7 surprised 11:17 23:6 surrounded 14:6 surrounding 43:8 surveillance 17:10 26:7 Surveying 65:4 swear 90:6 sworn 8:23 16:2 30:25 39:1 40:9 41:4 42:23 65:2 system 38:6	53:1 54:14 55:2 61:22 62:5,7 75:11 81:8 taken 8:15 25:19 44:12 58:12 65:24 90:6,8 takes 45:18 talk 20:10 37:11 38:24 75:5,14 75:14,20 76:3 76:23 80:13 talked 20:12 53:6 67:13 69:5 talking 11:22 19:4 22:1 29:11 31:1 33:18 34:4 45:10 67:15,16 taxed 21:10 taxes 21:4,13 tear 46:3 tell 27:8 31:21 31:22 33:9 35:13,19,25 36:22 40:20 58:15 59:8 86:5 temporary 74:5 terms 21:9 68:22 88:1 terrain 73:24 87:2 test 73:16 tested 54:2 testified 47:25 testify 8:1 testifying 38:20 testimony 32:23 62:13 Thank 7:8 9:16 12:23,24 15:19 20:21,23 30:8 30:9 38:12,13 40:2,22 42:17
T				
T 4:1 12:14 85:25 table 49:18 50:22 51:11,16 51:23 61:20,22 tabled 2:24 51:19 61:14 tables 39:21 tabling 49:13 50:17 54:10 60:2 tacks 86:22 take 6:6 12:21 19:25 21:15 26:7 28:17,21 29:6,8 39:8,24 44:15 45:10,11 51:12,13 52:15				

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

43:12,13 45:3 45:4 46:8 47:3 47:6,7 49:2 55:15 57:13 58:18,20 62:10 64:24 69:12 88:4,19 Theissen 2:22 61:13 theme 41:15 they'd 43:18 thick 66:14 thing 18:6 21:3 21:5 25:12 49:22 69:22 75:9 things 16:6 20:4 22:18 27:10,20 27:22 35:13 44:1,4 45:16 67:13 71:5 think 12:10 25:23,25 26:12 28:20 29:6 33:18 39:10 42:12,24 43:10 47:12 53:18,25 57:16 85:20,21 third 33:12 87:5 thought 18:11 51:21 54:9 three 11:15,23 16:12 49:19 61:14,23 63:10 68:21,25 69:14 86:24 tie 87:8 till 41:19 50:22 Tim 6:14 28:17 time 7:9 8:3 9:12 27:7 32:16 41:24 44:16,19 45:2,10,18 47:22 49:9 50:19 59:4 61:8 65:21	67:13 72:3,4 86:2,5,6 90:7 timeline 58:25 times 71:10 Timothy 5:4 tire 12:9 tires 15:17 33:15 35:17 58:12 Tobben 5:11 6:18,19 10:2,8 11:2 58:23 59:16 60:8,21 82:22 83:2,24 85:2 89:9 Tobben's 9:21 today 23:5 53:7 64:14,19 66:7 today's 7:13 Todd 5:9 6:12 28:15 75:13 told 20:8 24:15 35:9 Tom 5:11 6:18 9:21 58:22 tonight 29:17 31:17 47:25 53:21 55:7 60:1 61:11 64:23 67:17 69:4,6,10,15 69:17 70:13 71:7,22 75:15 76:3 78:6 81:21 Tonight's 7:18 Tony 42:4 top 33:22 68:6 68:19 Tori 47:23 48:3 48:24 49:25 51:4 total 15:13 totaling 13:18 towing 18:7 21:15,22 towing/hauling	13:12,25 14:2 town 18:13 Township 13:16 62:23 tracts 12:9 traffic 12:12 41:21 71:19 trailers 42:1 transcribed 90:9 transcript 1:9 90:11 transmission 39:8 45:15 travel 44:17 trees 34:5 65:23 trespass 36:25 tried 41:14 truck 23:17 27:5 27:20 33:14 45:21 46:18,24 trucks 27:14,15 28:5 true 53:3 74:8 90:11 trust 56:8 try 31:18 41:5 73:2 87:1 88:11 trying 42:2,14 53:7 68:2,11 74:13 Tuesday 6:4 Tulsa 42:21 Turkey 13:14 14:8,10,21 15:5,25 31:17 33:4 34:1,11 36:7 38:1,22 38:23 40:12 41:2,6 turn 8:25 12:5 88:1 turnarounds 67:8 turned 86:12 turning 12:5	87:24 twice 9:24 two 13:18 16:12 18:19 20:7,14 25:5 40:14 44:24 47:12 49:7 50:11,11 54:23,23 58:8 66:8 76:19 77:10 two-bay 57:25 58:4 two-year 66:24 type 23:13 26:8 33:16 types 23:10 37:16	43:3 44:21 46:3 47:21 48:19 56:16,19 56:22 63:25 68:23 70:10,14 70:24 76:22 79:5 81:16 ut-uh 19:9 28:11 utilities 64:1 utility 63:15,16 63:17 78:2
V				
				value 38:7 values 56:21 van 33:5 vehicle 13:11,21 23:13,24 33:10 45:14 46:6,12 46:21 58:2,13 vehicles 15:18 16:16 17:5,8 23:7,11,19 24:1 32:10 33:3,8,13 35:12 36:7,8 36:19 38:3,5 44:4,6,7 46:11 58:3,8 87:21 versus 66:25 67:2 view 23:7 68:17 69:25 Vincent 5:16 17:19 52:1,5,9 52:17,21 54:11 54:15,19,22 55:16,21,25 57:2 76:5,8,15 77:1,4,9,14,23 violation 15:16 22:21 23:14,20 25:9,18,19 28:20 29:18,20 29:21 48:4,7 49:13 50:1
U				
			Uh-huh 49:3 Uncle 41:12 underground 64:2 underneath 76:14 understand 21:2 23:22 27:1,2,2 29:13 51:6 87:19,24 understanding 75:5 understands 71:13,14 undeveloped 14:7 unfinished 50:20 Unified 4:4 7:20 UNION 1:5 up-to-date 88:17 use 4:4 7:20 9:11 13:18,23 15:4 16:25 20:18 21:11,19 24:2 30:22 34:7 37:18 38:8	

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

52:12 53:10 violations 29:6,7 47:11,16 52:23 52:25 53:2,2 53:15,23 57:10 visible 40:11 vision 41:10 visiting 67:16 Visitor 2:6 Visitors 11:7 voice 31:17 volume 12:12 Voss 5:5 6:23,24 10:21 60:14 83:17 84:20 89:2 vote 2:19 3:8 9:6 52:25 53:13 55:4 61:10 voting 80:21	36:21 Washington 30:19 34:23 35:1,2,4 37:8 wasn't 18:22,24 41:5 54:8 65:21 75:1 88:6 water 38:5 39:4 39:5,21,25 63:3,4,11,11 66:9 67:8 82:15 way 19:7 26:11 34:8,8,9 51:23 66:24 70:16 76:14,19 78:19 79:21 80:22 81:13 82:11,13 82:14 86:17 we'll 13:3 18:13 29:23 51:13,13 53:5 54:17 62:5 65:8 76:2 88:16 we're 11:22 12:10 18:12 21:9,19 25:21 34:4 39:13 46:23,24 48:8 51:3,8 69:7,20 73:1,2,9,9 75:23 82:25 86:15,16 we've 18:23 41:22 67:11 68:10 77:16 Weatherby 44:17 week 69:8 88:16 weekend 28:23 28:25 29:22 49:17 weeks 33:2 73:18 welfare 38:11	53:19 54:2 55:10,20 56:18 wells 39:9 went 47:21,21 51:4 weren't 9:23 10:7 29:1 Wes 41:7 42:4 West 30:19 whatsoever 50:19 WHEREOF 90:13 whichever 82:14 white 34:3 width 14:10 15:6,9,10 wife's 40:13 wild 42:8 William 5:3 30:18,19 40:6 40:7 Williams 5:8 7:4 7:5 10:23 29:4 29:12 45:8,23 46:1,8 60:17 67:16 73:15 74:25 79:8,15 79:20,25 80:4 80:8,23 81:4 82:5 83:12,20 84:23 86:9 89:5 window 12:3 windows 12:2 76:1 wire 35:18 wish 42:18 wished 13:24 wishes 11:8 wishing 12:25 30:11,11,14 38:17 40:3,23 43:14 witness 16:1 30:24 38:15,25	40:8 41:3 42:22 65:1 90:13 women 42:3 wooded 65:19 woodland 65:19 woods 65:24 66:14,14,21 69:1,17 76:22 wording 56:5 words 47:25 work 16:6 22:16 24:25 43:25 44:6 48:21 58:4,6,8 59:12 59:12 73:2 74:7,10 78:7 82:9 86:17 workable 74:16 worked 42:6 44:7 working 23:24 24:24 35:12 58:2 68:10 works 59:11 worse 12:22 79:1,3,7,11 wouldn't 17:8 19:7,20 24:15 24:19 27:23 46:11,12 50:4 59:3 60:3,4 73:8 78:20 80:21 wrap 37:1,23 write 48:22 written 47:19 48:2,9,23 62:12 wrong 49:8 56:6 59:9 wrote 71:12 Wunderlich 65:4 WW 40:7	<hr/> X <hr/> X 2:1 3:1 4:1 <hr/> Y <hr/> yard 32:11,12 32:22,24 33:21 35:7,8 41:19 43:5,8,25 44:3 46:5 66:20 yards 43:11 yeah 10:5,8 17:15 18:17 19:5,12,18,24 19:25 24:8,8 25:24 26:21 29:19 40:6 50:25 52:5,20 54:11,13 58:23 70:3 75:7 77:6 78:1 79:14,19 79:24 80:10 83:8 year 14:17 32:19 32:19,19 37:21 43:23 45:21 51:16 years 11:24 24:21 39:11 yellow 85:24,25 <hr/> Z <hr/> zoned 14:5 21:3 zoning 1:1 3:10 4:6 5:2,13 6:5 7:10,22 8:5,10 9:10,12 13:13 13:20 14:1,24 18:8 21:8,10 21:11 56:10,12 56:25 62:20 67:5,6 85:8 86:15 <hr/> 0 <hr/> 0 24:13 <hr/> 1 <hr/>
---	--	---	---	---

MIDWEST LITIGATION SERVICES

PUBLIC MEETING 8/15/2017

1 24:13 31:5,9 32:4,5	2010's 12:12	5.6 34:18
10 2:6 15:12	2015 32:15	5:00 17:12
10-foot 63:16	2016 59:1,6	50 34:17
100 67:2	2017 1:11 2:5 6:2 32:7 59:6	50-foot 15:9,10
100-year 66:9	2018 90:22	56 46:20
104 63:1	214.7 67:3	565 39:21
104-acres 65:10	22,000 63:3	<hr/> 6 <hr/>
1051 40:12	25 13:19 15:13	6 2:4 9:21
109 42:21	16:19 18:20,22	60 2:18
112 67:1	35:17	61 2:23
115 66:25	25- 66:8	62 2:24 3:5
12 2:13	26 90:22	624 11:13
14 2:14 65:11	29 2:15	63084 1:5
142 62:25	2nd 33:2,11	63101 5:20
15 1:11 6:2 87:2	<hr/> 3 <hr/>	644-2191 5:21
15-foot 63:15	3 32:25 63:4,12	65 3:6
15th 6:4	65:11	653 40:7
16 32:10	3/10 12:17	<hr/> 7 <hr/>
165 39:16	30 14:11 15:6	7 4:4,6,7,8
170075 2:22	44:18	7/18 10:15
61:13	314 5:21	7:00 1:12
170135 3:4	3334 42:21	711 5:19
62:11,16 83:15	390 87:13	72 3:7
170156 2:12	<hr/> 4 <hr/>	77 45:21 46:18
13:5,8 60:11	4.1 74:2	<hr/> 8 <hr/>
84:4,13,17	4.6 35:1	8 2:5 64:5
85:6	4.7 34:23	8/10 13:15
175 64:5	4.9 34:20	8:40 89:15
18 2:5 79:25	40 57:24	82 3:8
87:2	400 1:4	84 2:19
18-lot 62:19	410 68:7 73:19	85 3:10
1800s 41:8	87:13	88 3:11,13
18th 9:18 10:18	43 2:16	8th 15:15 22:21
19 65:11 73:7,9	44 34:11,17	23:3
73:10 77:10,13	45 2:17	<hr/> 9 <hr/>
78:11,15,21	47 34:17	9:00 17:11
80:1,14	<hr/> 5 <hr/>	90 3:14 9:12
19.8 67:2	5 2:3 15:11	960 41:2
1954 39:16	65:11,11,12	970 38:22
<hr/> 2 <hr/>	5-foot 63:17	986 38:23
2 33:7 67:2	5.18 63:7	991 13:14 15:25
2.6 67:1	5.2 34:12,13,16	34:11
20 44:18 57:24	5.48 63:6	
200 30:19 39:15		

MIDWEST LITIGATION SERVICES