

1 FRANKLIN COUNTY PLANNING AND ZONING
2 BOARD OF ZONING ADJUSTMENT
3 FRANKLIN COUNTY GOVERNMENT CENTER
4 SECOND FLOOR COMMISSION CHAMBERS
5 400 EAST LOCUST STREET
6 UNION, MISSOURI 63084
7
8
9 TRANSCRIPT OF PROCEEDINGS
10 AUGUST 23, 2022
11 (COMMENCING AT 7:00 P.M.)
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22 Reported by:
23 Patsy A. Mayberry, C. R.
24 Lexitas Legal - St. Louis
25

1	I N D E X	
2	PROCEEDING	PAGE
3	CALL TO ORDER AND ROLL CALL	5
4	HEARING PROCEDURES	6
5	DISCLOSURES	7
6	APPROVAL OF MINUTES (JANUARY 25, 2022)	8
7	ELECTION OF VICE CHAIRMAN	8
8	COMMUNICATIONS AND VISITOR COMMENTS	9
9	P U B L I C H E A R I N G S	
10	UNFINISHED BUSINESS - NONE	
11	NEW BUSINESS:	
12	FILE 220123 - PARALLEL TOWER III:	
13	PRESENTATION BY MS. EAGAN	9
14	PRESENTATION BY APPLICANT	13
15	PUBLIC COMMENTS	33
16	APPLICANT REBUTTAL	36
17	PUBLIC REBUTTAL	38
18	DISCUSSION	39
19	VOTE	51
20	ADJOURNMENT	52
21	CERTIFICATE OF REPORTER	54
22		
23		
24		
25		

1	E X H I B I T S		
2	IDENTIFICATION	DESCRIPTION	PAGE
3	COUNTY		
4	EXHIBIT A	PLANNING AND ZONING REGULATIONS	6
5	EXHIBIT B	FRANKLIN COUNTY ZONING MAP	6
6	EXHIBIT C	FRANKLIN COUNTY MASTER PLAN	6
7	EXHIBIT D	FILES FOR ALL CASES HEARD	6
8	APPLICANT:		
9	EXHIBIT 1	AT&T DOCUMENTATION	13
10	EXHIBIT 2	AMERICAN CANCER SOCIETY STUDY	47

11
12
13
14
15
16
17
18
19
20
21
22
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24
25

(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 A P P E A R A N C E

2 FRANKLIN COUNTY BOARD OF ADJUSTMENT COMMISSION:

3 JUSTIN HEAD, CHAIRMAN

4 DEREK SCHRIEWER, COMMISSIONER

5 KENT VEDDER, COMMISSIONER

6 STEVE HOFF, COMMISSIONER

7 TIMOTHY TOBBEN, COMMISSIONER

8 FRED THATCHER, COMMISSIONER

9

10 PLANNING AND ZONING STAFF:

11 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

12 CRYSTAL HOLDMEIER, ADMINISTRATIVE ASSISTANT

13 COUNTY LEGAL COUNSEL:

14 NONE

15 LEXITAS LEGAL - ST. LOUIS:

16 PATSY A. MAYBERRY, C. R.

17 711 NORTH 11TH STREET

18 ST. LOUIS, MISSOURI 63101

19 (314) 644-2191

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21

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

2 (AUGUST 23, 2022)

3 CHAIRMAN HEAD: All right.

4 We're going to open the meeting of the Franklin County
5 Board of Zoning Adjustment for Tuesday, August 23,
6 2022.

7 Could we have a roll call, please.

8 MS. EAGAN: Justin Head?

9 CHAIRMAN HEAD: Here.

10 MS. EAGAN: Steve Hoff?

11 COMMISSIONER HOFF: Here.

12 MS. EAGAN: Derek Schriewer?

13 COMMISSIONER SCHRIEWER: Here.

14 MS. EAGAN: Fred Thatcher?

15 COMMISSIONER THATCHER:

16 Present. Yes.

17 MS. EAGAN: Tim Tobben?

18 COMMISSIONER TOBBEN: Here.

19 MS. EAGAN: And we do have
20 alternate Ken Vedder here as well. So we have a
21 quorum.

22 CHAIRMAN HEAD: Could I please
23 have a motion to approve tonight's agenda.

24 COMMISSIONER TOBBEN: I'll make
25 that motion.

1 COMMISSIONER THATCHER: I'll
2 second it.

3 CHAIRMAN HEAD: We have a
4 motion and a second. Any discussion?

5 (NONE)

6 All those in favor please say aye.

7 COMMISSIONER THATCHER: Aye.

8 COMMISSIONER HOFF: Aye.

9 CHAIRMAN HEAD: Aye.

10 COMMISSIONER SCHRIEWER: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 CHAIRMAN HEAD: Scottie, would
13 you please read tonight's hearing procedures into the
14 record.

15 MS. EAGAN: Tonight's Board of
16 Zoning Adjustment hearing is governed by the Franklin
17 County Unified Land Use Regulations.

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

24 (THEREUPON, EVIDENCE WAS
25 MARKED FOR IDENTIFICATION AS

1 BOARD EXHIBITS A, B, C, AND D.)

2 The Board of Zoning Adjustment will
3 address each case as they are listed on the agenda.
4 As each case is opened for hearing, a staff report
5 will first be read to the Board, followed by any
6 questions for the staff.

7 Then if anyone in the audience would like
8 to speak or comment during the public hearing, they
9 must first print their name on the sign-in sheet
10 provided, and then be sworn in by the court reporter.

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

15 At the conclusion of all questions,
16 comments and discussion concerning each case, the
17 public hearing for that case will conclude and the
18 Board of Zoning Adjustment will proceed with a
19 decision.

20 Any decision by the Board may be
21 appealed. If anyone desires to appeal a decision made
22 by the Board of Zoning Adjustment, they need to submit
23 it to Circuit Court.

24 CHAIRMAN HEAD: All the members
25 of the Board of Zoning Adjustment, we've all received

1 our packets in the mail. Is there anybody who's a
2 member of the Board who has any conflict of interest
3 with any of the parties in our packets tonight or
4 feels that they cannot be fair and impartial?

5 (NONE)

6 Let's move then to the approval of the
7 minutes from January 25, 2022. Is there a motion to
8 approve those minutes?

9 COMMISSIONER HOFF: I make a
10 motion we approve them.

11 COMMISSIONER THATCHER: I'll
12 second.

13 CHAIRMAN HEAD: Motion and a
14 second. Is there any discussion regarding approval of
15 the minutes?

16 (NONE)

17 All those in favor please say aye.

18 COMMISSIONER THATCHER: Aye.

19 COMMISSIONER HOFF: Aye.

20 CHAIRMAN HEAD: Aye.

21 COMMISSIONER SCHRIEWER: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 CHAIRMAN HEAD: Any opposed?

24 (NONE)

25 Next we have election of a vice chairman.

1 Through Gordon bailing on us after all these years,
2 there is an opening for a vice chair. I'd like to
3 open it up to the Board for discussion.

4 COMMISSIONER HOFF: I make a
5 motion we elect Fred.

6 COMMISSIONER THATCHER: Ooh.

7 CHAIRMAN HEAD: We got an ooh
8 out of Fred, but is there a second?

9 COMMISSIONER TOBBEN: I'll
10 second that.

11 CHAIRMAN HEAD: Second by Tim.
12 Any discussion among members of the Board?

13 (NONE)

14 All those in favor please say aye.

15 COMMISSIONER HOFF: Aye.

16 CHAIRMAN HEAD: Aye.

17 COMMISSIONER SCHRIEWER: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 CHAIRMAN HEAD: Any opposed?

20 (NONE)

21 Mark it down, Scottie.

22 We have no Old Business. So we'll call
23 our only item tonight, which is File Number 220123.
24 Scottie, would you please read the staff report.

25 MS. EAGAN: This is File Number

1 220123.

2 The applicant is Parallel Tower III.

3 The applicant is seeking a variance from
4 Article 19, Telecommunication Towers, Section
5 348(C)(2), the fall zone and setbacks, and (F)(1 the
6 height of the tower).

7 The property is located approximately .45
8 miles south of the intersection of Rye Creek Road and
9 Highway 47 in Prairie Township.

10 THE FACTS: The property is approximately
11 seven acres in size.

12 The applicant is seeking a variance from
13 Article 19, Telecommunication Towers, Section
14 348(C)(2), which states:

15 "In the W, Y, O, T, B,
16 and P Zoning Districts, the
17 distance from the base of the
18 tower to the property line
19 shall be not less than 1.5
20 times the height of the tower.

21 The Fall Zone shall be contained
22 within the property lines."

23 The applicant is also seeking a variance
24 from Article 19, Telecommunication Towers, Section
25 348(F)(1), which states: "The maximum height for a

1 commercial communication tower is 200 feet."

2 The applicant is proposing to build a
3 235-foot self-supporting tower. The fall zone for a
4 tower of that height is 352.5 feet.

5 The applicant requests a variance for a
6 new fall zone of 70 feet to the southern property
7 line, 170 feet to the northwest property line where
8 there the lot forms a corner, and 240 feet to the
9 northern property line.

10 At the widest point, this parcel is
11 approximately 321 feet wide.

12 The applicant states because of the shape
13 of the lot and the elevations of the property, the
14 tower cannot meet the fall zone requirement.

15 STAFF COMMENTS: According to Section
16 103(A):

17 "A variance may be
18 granted by the Board of Zoning
19 Adjustment if the applicant provides
20 sufficient evidence that the
21 hardship relates solely to the
22 applicant's land and where, by
23 reason of exceptional narrowness,
24 shallowness, shape or topography or
25 other extraordinary or exceptional

1 situation or condition of a
2 specific piece of property, the
3 strict application of any
4 regulations would result in
5 peculiar and exceptional
6 difficulties to or exceptional
7 and demonstrable undue hardship
8 upon the owner of the property
9 as an unreasonable deprivation
10 of use as distinguished from the
11 mere grant of a privilege, to
12 authorize, upon an appeal
13 relating to a property, a
14 variance from the strict
15 application so as to relieve the
16 demonstrable difficulties or
17 hardships, provided the relief
18 can be granted without substantial
19 detriment to the public good and
20 without substantially impairing
21 the intent, purpose and integrity
22 of the zone plan as embodied in
23 the zone regulations and map."

24 I'm sorry, that was written by an
25 attorney.

1 CHAIRMAN HEAD: That happens.

2 Thank you, Scottie.

3 So just to clarify our procedures, we're
4 relatively informal. We'll let anybody speak on
5 behalf of the applicant first who wants to testify
6 since the applicant has the burden here.

7 And then after that, anybody who wants to
8 speak in opposition, against, the requested variance
9 can speak.

10 So whoever -- however the applicant wants
11 to present their case, whoever wants to present first,
12 please come up and be sworn.

13 (THEREUPON, THE WITNESS WAS
14 SWORN.)

15 MS. EAGAN: Do you want me to
16 take it?

17 MR. RUSSEL BEEN: You wouldn't
18 mind.

19 (THEREUPON, EVIDENCE WAS MARKED
20 FOR IDENTIFICATION AS APPLICANT
21 EXHIBIT 1.)

22 CHAIRMAN HEAD: Please state
23 your name.

24 MR. BEEN: My name is Russell
25 Been.

1 CHAIRMAN HEAD: Russell, the
2 floor is yours.

3 MR. BEEN: I am with Selective
4 Solutions. We are a sign acquisition company
5 representing Parallel Infrastructures, which is a
6 commercial tower real estate company.

7 I have with me Eric Martin, who is
8 Parallel's attorney, who is also the reason why your
9 code is written by an attorney. And Shannon Wheaton,
10 who is also with Brian Cave, works with Eric.

11 And then I have Mr. Ketterer (ph.), who
12 is with AT&T. AT&T is Parallel's proposed tenant on
13 this location.

14 I feel for you. My daughter just joined
15 a marching band, and I was told that I was going to be
16 the treasurer of the marching band. She goes, "Daddy,
17 guess what?"

18 So the AT&T, as you hear all over the
19 place 5G, 5G, and there's also a program that AT&T is
20 involved with through the federal government called
21 First Net.

22 And First Net is a telephone program
23 that's strictly for emergency services. This all
24 stems from 911 where the fire department couldn't talk
25 to the police department couldn't talk to the national

1 guard. So AT&T and the government worked together and
2 they're creating this network for first responders.

3 And this is a network that's just built
4 to ensure that first responders have the ability to
5 make and receive a telephone call should there be an
6 emergency situation or really so that they have
7 priority on a telephone network.

8 AT&T needs to add to this area both 5G
9 coverage and First Net numbers. Their current
10 situation is preventing them from doing that. So they
11 have contracted with Parallel to go out and find a
12 site which they could then put up a new tower that
13 they would be able to put all their equipment,
14 including First Net and their 5g equipment.

15 We -- they in turn hired us, and we went
16 out and researched property until we came across the
17 property that's located here. The -- probably the
18 most important thing when looking for a cell tower
19 location is one, a willing landlord. And we sent out
20 about 35 requests in this area to find a landlord that
21 was willing to work with us.

22 We got in touch with Mr. Yavarski and Ms.
23 Sinkhouse (ph.), and we were able to strike a deal.
24 The size and shape of the property, I -- not to
25 criticize your code, but 1.5 times the height of the

1 tower that it's very rare. We'd doing towers all over
2 the country. It's very -- very rare to see that big
3 of a tower setback.

4 Where that comes from I know where that's
5 coming from. It is in the past the engineering and
6 everything was not what it is today. But with
7 Franklin County's Code, their Building Code, there's
8 not a wind or a vent that will exist in the state of
9 Missouri that would cause this tower to fail.

10 To ask for that 1.5 is extreme, and that
11 would also -- in order to meet AT&T's coverage
12 objective, that means we have -- in order to meet
13 their coverage objective, we have to have a tower
14 that's 235 feet tall. Because of the requirements of
15 that coverage objective with 235-foot tower -- can you
16 remind me what you said the requirements would have to
17 be? It would have to be 300 --

18 MS. EAGAN: Oh, 350 feet.

19 MR. BEEN: Three hundred and
20 fifty feet by three hundred and fifty feet, and you'd
21 have to have somebody that would be willing to put
22 that tower in the middle of that property.

23 That's extreme. What we're seeing across
24 the country for towers -- I've been doing this since
25 1990. We're seeing towers that were forced to be in

1 the middle of the property that's being passed up for
2 a new subdivision or being passed up for a new
3 commercial center.

4 So to really to best utilize the
5 property, we have to put it off to one side, which
6 where we have located the property -- where we have
7 located it on this property, is the one fairly level
8 spot on the property. The property from the road
9 Highway 47 to the back of the property drops about 60
10 feet overall.

11 It comes back a little bit towards the
12 back the property. We were able to find a level spot
13 near the center of the property, which again put us
14 close to the corner on the upper left-hand, where the
15 property kind of narrows out and then got us close --
16 as close to the center of the property as we possibly
17 could.

18 The -- the packet I gave you actually has
19 the aerial photograph. If you wouldn't mind turning
20 to the first aerial photograph. That is a 240-foot
21 circle. As you can see, the circle does go into the
22 adjoining properties, but it doesn't go near any of
23 the existing structures.

24 I believe that would probably -- why the
25 ordinance was there, to keep this away from

1 structures. We've been able to locate this in a place
2 where it just nudges the northern property a bit, and
3 it does go into the southern property, but it does not
4 go near any structures.

5 If you look at the next page, you can see
6 -- well, there are -- there are residences. The area
7 is a fairly rural area. We are away from most major
8 structures.

9 And then the next with -- and this is
10 just an example just showing you where we're at. We
11 are in the middle of a field and wooded area. While
12 you can't completely hide these things, the base and
13 all the equipment will be well -- well hidden behind
14 the existing vegetation.

15 I'll skip the next couple of sections.
16 They're just in there for record.

17 The last thing I really would like to
18 point out is there's a letter from AT&T's and our
19 engineers, and what that letter is basically
20 explaining is that, in order to meet the coverage
21 objectives for their proposed install, that in order
22 to meet the -- to provide the best coverage they can
23 for the citizens of that area also to provide First
24 Net and 5G, that it does require a tower of -- and
25 they do have to have a rad center of 235 feet, which

1 is how we came to this location and this -- the height
2 of this tower.

3 And I do have -- as I mentioned, I do
4 have a representative from AT&T that can verify if you
5 do have questions as to why that we've gone at this
6 location and why we need that height.

7 And I would be welcome to any questions.
8 I do have -- I know Eric would like to kind of polish
9 up what I've said. But if anybody has any questions
10 for me, I'd be happy to take the time to answer them.

11 CHAIRMAN HEAD: Anything
12 further?

13 MR. BEEN: Not from me.

14 CHAIRMAN HEAD: Any questions
15 from members of the Board?

16 COMMISSIONER THATCHER: I have
17 a few questions if you don't mind.

18 MR. BEEN: Sure.

19 COMMISSIONER THATCHER: You
20 stated that our zoning regulations tower height and
21 fall zone has to be 1.5 times greater than the height
22 of the tower. You said that that is greater than
23 anything you've seen in other counties, states,
24 whatever.

25 What is the normal that you have seen?

1 MR. BEEN: They -- they're in
2 most of the -- most of the counties that I've been
3 associated -- that I've worked with that are similar
4 to Franklin County it's either 50 percent the height
5 of the tower or 100 percent the height of the tower.

6 And they offer if you -- if you're not
7 100 percent the height of the tower, show why it
8 doesn't have to be 100 percent the height of the
9 tower.

10 COMMISSIONER THATCHER: And the
11 towers that you're referring to are these 100-foot
12 towers or 200-foot towers? I mean, does that change?

13 MR. BEEN: Oh, I've done --
14 I've done 450-foot towers. The typical -- let me just
15 ask this question so I try not be offend anybody, but
16 would you consider Franklin County a more rural
17 county? I think you wouldn't say a more rural county,
18 but you used to be a more rural county. You're not
19 anymore.

20 The first tower I did was in 2004 here,
21 and nothing in Union was here -- nothing that's in
22 Union right now was here. So in a suburban/rural
23 area, we'll tend to be building between 250- and
24 350-foot towers.

25 COMMISSIONER THATCHER: In fall

1 zones that are half of that or 100 percent of that?

2 MR. BEEN: That's correct.

3 COMMISSIONER THATCHER: Okay.

4 I had another question. In terms of -- actually
5 that's a question for Scottie.

6 I have one more question for you,
7 however. In terms of lighting, a 235-foot tower
8 requires strobe lighting?

9 MR. BEEN: It would be a dual --
10 dual lighting. It would be a medium intensity red at
11 night, and then a high intensity white during the day.

12 COMMISSIONER THATCHER: So and
13 this would be a strobe I guess?

14 MR. BEEN: That's correct.

15 COMMISSIONER THATCHER: Does
16 the footage require a certain light or a strobe? Red
17 is not so troublesome, but the white strobe tends
18 to --

19 MR. BEEN: It -- that is
20 anything really over 199, and then it depends on your
21 proximity to an airport.

22 COMMISSIONER THATCHER: Right.

23 MR. BEEN: Though the red,
24 again, is at night, and the white's during the day.
25 That's every -- 99 percent of the towers that I put up

1 in my 25 years. I've put up about 5,000 towers. The
2 typical lighting scheme is of low intensity red at
3 night and high intensity white during the day. And
4 that -- that white, even though it's high intensity,
5 in your average blue sky day, it's just going to --
6 you're going to see it, but it's not going to be like
7 blasting in your living room keeping you awake.

8 COMMISSIONER THATCHER: And
9 that's dawn to dusk, I guess?

10 MR. BEEN: That's correct.
11 That's correct.

12 COMMISSIONER THATCHER: Your
13 235-foot proposed tower, its fall zone, hits this
14 house -- I can't pronounce their name, Yarvoski.

15 MR. BEEN: Yarvoski.

16 COMMISSIONER THATCHER: It does
17 hit their -- it would hit their house, correct?

18 MR. BEEN: Correct.

19 COMMISSIONER THATCHER: Okay.
20 And the neighbor to the south, the fall zone is
21 roughly, and I'm going to guess that it's roughly 60,
22 70, 80 feet onto their property.

23 MR. BEEN: Correct.

24 COMMISSIONER THATCHER: And I
25 guess this is a question more for Scottie. Scottie,

1 does the owner of the property to the south -- I don't
2 have their name in front of me -- but --

3 MR. BEEN: It's Sinkhouse.

4 COMMISSIONER THATCHER:
5 Sinkhouse.

6 MR. BEEN: It's their
7 mother-in-law.

8 COMMISSIONER THATCHER: If they
9 wanted to put a building within that fall zone --

10 MS. EAGAN: They could.

11 COMMISSIONER THATCHER: They
12 could. Would they have to sign a waiver of liability
13 of some sort? Would they --

14 MS. EAGAN: We basically just
15 have statements that we give them through their
16 building permit. Just like if they build on a utility
17 easement that you're doing it at your own risk, you
18 know. If something happens, you're liable.

19 COMMISSIONER THATCHER: In
20 terms of insurance, obviously we've got some sort of
21 insurance if we hit somebody next door, do you not?

22 MR. BEEN: That's correct.
23 Millions of dollars of insurance.

24 COMMISSIONER THATCHER: In
25 looking at this aerial, I see there's another tower to

1 the south on the Sinkhouse site?

2 MR. BEEN: That's correct.

3 COMMISSIONER THATCHER: Yeah.

4 And it wouldn't hit that tower?

5 MR. BEEN: It would not.

6 COMMISSIONER THATCHER: Is that
7 also an AT&T tower?

8 MR. BEEN: AT&T is currently on
9 that tower. They are coming off that tower due to
10 situations with the owner of the tower.

11 COMMISSIONER THATCHER: Okay.

12 MR. BEEN: And I could go into
13 a 30-minute explanation about that. I'll spare you.
14 There's a nationwide issue that's causing AT&T in
15 order to keep their network affordable and in order to
16 put up the best sites possible, they're having to move
17 off a lot of towers. And in the last two years, we've
18 done 175 towers in Missouri in the grade 8 for this
19 AT&T.

20 COMMISSIONER THATCHER: And
21 this particular tower how high do you want it?

22 MR. BEEN: It's 240 feet.

23 COMMISSIONER HOFF: It's 240
24 feet?

25 MR. BEEN: Yes, sir.

1 COMMISSIONER HOFF: The
2 existing tower?

3 MR. BEEN: Yes, sir.

4 COMMISSIONER THATCHER: I don't
5 remember a variance on that.

6 MR. BEEN: And if it -- if it
7 matters, they do cross over onto that neighbor's
8 property as well.

9 MS. EAGAN: Towers used to be
10 conditional use permits.

11 COMMISSIONER THATCHER: Yes.

12 MS. EAGAN: So they wouldn't
13 necessarily have to get a variance on that one. I
14 don't know when it was built, but --

15 MR. BEEN: And most likely it
16 was built prior to the current code.

17 MS. EAGAN: Yeah, like it
18 wasn't until I think 2014 where we permitted them with
19 the super strict codes.

20 COMMISSIONER THATCHER: Uh-huh.
21 Tower code is 20 years old.

22 MS. EAGAN: But there's stuff
23 in our regulations that are outdated the way they're
24 written, and I'm working with Mark to update them to
25 meet a bill that was passed.

1 So there are things in the code that are
2 wrong right now that we need to fix, but these two
3 issues aren't part of that.

4 COMMISSIONER THATCHER: They
5 aren't. I guess the next question I have, I have this
6 for you, Scottie.

7 Since 2014 when we did away with the
8 conditional use permit and went straight restrictions
9 on tower height, how many variances have we had? I
10 only remember one. I remember an 800-foot tower that
11 we had. That's the only one that comes to my mind.

12 MS. EAGAN: I don't think we've
13 had any other ones. The only other tower that was
14 built after these was permitted, and it was a 500-foot
15 tower in Krakow.

16 COMMISSIONER THATCHER: It was
17 a big thing I remember that. I'm sorry.

18 MR. BEEN: Oh, no, please.
19 Please.

20 COMMISSIONER THATCHER: I mean,
21 you fully understand we're trying to go.

22 MR. BEEN: And I'll be really
23 honest with you too. We're working several projects
24 for several different companies and we'll be old
25 friends by the end of this. It's -- we have worked

1 with, as I mentioned, we've worked with Franklin
2 County on quite a few items. Some that got ugly, and
3 that the new code and the way you guys are doing
4 things is so much better. It's going to protect you
5 guys better.

6 It makes my life a little harder because
7 I don't like coming in front of this Board. But not
8 personally, but the Board of Zoning Adjustment is a
9 different standard that while it's protecting you guys
10 better, it is a lot better than the code used to be.

11 COMMISSIONER THATCHER: Okay. I
12 have no further questions. Thank you.

13 COMMISSIONER TOBBEN: I guess a
14 follow-up question of Scottie's answer about the
15 Krakow tower, 500 foot. It's a County rule of 200
16 feet. So how did that happen?

17 MS. EAGAN: So it is in our
18 Zoning Code we have different classifications, and at
19 the time they were doing the -- I forget what they
20 call those. It was a joint operation that was
21 permitted by Missouri State Statutes to build these
22 500-foot towers in specific locations. And the Krakow
23 tower met that specific location.

24 So that's how they were allowed to do
25 that. Yeah, I think there's like -- let's see, one,

1 two, three, four, five, six, seven locations in
2 Franklin County.

3 COMMISSIONER HOFF: I've got a
4 question. Why are you looking at a topographical map
5 to where it drops 60 foot from a highway? Why
6 wouldn't you find an area that had a hill and not have
7 quite as tall a tower?

8 MR. BEEN: Because we -- that
9 we have a small search ring, and that property -- the
10 property we're at fell within that search ring, and we
11 needed a certain elevation. And that property where
12 we're at still met that elevation, and that search
13 ring was very small. It was like 900 feet. They
14 needed a tower.

15 They gave us access say somewhere within
16 900 to a thousand feet. We need that tower, and this
17 tower met all those -- this site met all those
18 criteria.

19 CHAIRMAN HEAD: Any other
20 question from the Board members?

21 (NONE)

22 I have one. Do the owners of this seven
23 acres, is this their primary residence and they live
24 there?

25 MR. BEEN: It is.

1 CHAIRMAN HEAD: Okay. I don't
2 have any other questions.

3 We'll show Exhibit 1 into our record, and
4 thank you for your time.

5 MR. BEEN: Thank you.

6 MR. ERIC MARTIN: Hello, my
7 name is Eric Martin.

8 CHAIRMAN HEAD: Hi, Eric.
9 She'll swear you in.

10 (THEREUPON, THE WITNESS WAS
11 SWORN.)

12 MR. MARTIN: Yes, as Russ
13 indicated, I am outside counsel for Parallel. I've
14 been doing this about 20 years now in terms of going
15 to zoning meetings and dealing with various matters
16 that arise in the court process in these cases.

17 I wanted to highlight just a couple of
18 things regarding this application. First of all, when
19 you look at a variance, you know, one of the standards
20 say if you want to challenge a denial is you would
21 look at the as-applied.

22 Was it just in terms of how the variance
23 was administered, was it proper as applied, on setback
24 variances as applied properly?

25 This case, as Russ noted, the 1.5

1 standard is as far outside of what is currently what
2 we see in other jurisdictions, and notably when we're
3 looking at this type of tower, this type of tower is
4 built, again, to your rezoning code, your building
5 code. And it is built to withstand, as Russ
6 mentioned, wind that you don't see in Missouri.

7 We have pictures of cell towers that were
8 in place around the airport whenever the Bridgeton
9 tornado came through a few years ago, and you see
10 buildings demolished, but you see those cell towers
11 standing there. And that's why you see this advance
12 in the building codes with technology for these.

13 So as applied, these variances are
14 appropriate because of the inherent safety of the
15 structure that we are asking for.

16 Just a couple of notes. As I was looking
17 at the picture, I was trying to describe that parcel
18 as a key or spatula. But nonetheless, you see that it
19 has some characteristics there of it does have the
20 narrowness, it has the -- an unusual shape or
21 shallowness that the code speaks to, and this becomes
22 important because, as Russ said, when AT&T with its
23 radio frequency engineers, when they design the search
24 ring what's need to heed the system, the cellular
25 system place, they do have somewhat narrow parameters

1 for that.

2 And this particular parcel is ideally
3 situated because it is close to a road. High traveled
4 areas are important for the AT&T infrastructure. And
5 then, you know, the further you go back, as Russ
6 noted, you do have a drop in elevation, and you get
7 into a wooded area.

8 So the proportion that's been selected is
9 ideal and because of again the search ring, the
10 overlay of the property, we do meet the requirements
11 of the variance standard.

12 Now I -- you know, I won't go into a lot
13 of the legalities on these. I will note that there is
14 a federal law, the Telecommunications Act of 1996,
15 that does require that there be substantial evidence
16 when a decision is made. I would say here in this
17 case that there cannot be substantial evidence
18 opposing the variance given again the type of
19 structure, the strength of that structure and the
20 characteristics of that -- of that land.

21 You also get into a question of effective
22 prohibition. As Russ noted, one of the key aspects of
23 this tower is that it's going to be used by AT&T to
24 provide the top level, the top level of service that
25 is available right now to the citizens of Franklin

1 County. That being the 5G type of service. That's
2 significant. The First Net that Russ mentioned,
3 that's significant. And so it would be a prohibition
4 on that service if AT&T, because of the economic and
5 feasibility situation has with the other tower owners
6 is not allowed to accomplish its coverage objects in
7 that way.

8 So again we don't bog down in legalities,
9 but I did want to make those points for the record.
10 But in sum, this tower meets the objectives of what
11 the variance requirements are, are provided for in the
12 code and as applied, it's very appropriate for these
13 variances to be granted because of the type of
14 structure.

15 I'd be happy to answer questions.

16 CHAIRMAN HEAD: Questions from
17 members of the Board?

18 (NONE)

19 MR. MARTIN: Great. Thank you
20 very much.

21 (THEREUPON, THE WITNESS WAS
22 SWORN.)

23 MR. JEREMY KETTERER: My name
24 is Jeremy Ketterer from the regional director of
25 external affairs for AT&T here in Missouri. I just

1 wanted to come up and voice our support of the request
2 for the variance. We know the goal here is to improve
3 performance and coverage for the community.

4 So I just wanted to come up here and
5 voice my support. So I appreciate it.

6 CHAIRMAN HEAD: Questions?

7 (NONE)

8 Thank you, Jeremy.

9 MR. KETTERER: Thank you.

10 CHAIRMAN HEAD: Anyone else in
11 support of the application?

12 (NONE)

13 Is there anybody here who wants to be
14 heard to contest the application?

15 (THEREUPON, THE WITNESS WAS
16 SWORN.)

17 MS. KRISTIN WARMBROOT: Hi, how
18 are you?

19 CHAIRMAN HEAD: Good. What's
20 your name?

21 MS. WARMBROOT: My name's
22 Kristin Warmbroot. I'm a resident close to this
23 tower. Pardon my cranky children. They've had a long
24 day.

25 We got the postcard in the mail, and I've

1 talked to quite a few of our neighbors unfortunately
2 who were not able to come tonight. I don't know where
3 you all live in Franklin County, but one of the reason
4 we bought out property out here and, you know, chose
5 to start our family out here was to be away from
6 staring these types of things and, you know, raise our
7 kids on some land and do that.

8 So we just wanted to come and talk today
9 about the tower. I wasn't able to get as much
10 information just by calling. I was trying to hone my
11 research in, but I feel that some of it is sufficient
12 enough whatever.

13 I do see the towers that they say they
14 can't come down in 200-mile-an-hour winds have come
15 down in storms that are, you know, those crazy
16 occasions. We have crazy weather here in Missouri,
17 and from what I'm understanding, and forgive me if I'm
18 wrong, but the 5G towers from what I've read actually
19 have to have transmitters closer to the ground and
20 closer to the people around them, which can lead to a
21 lot of health issues, cancers, neuroblastomas
22 specifically, and children are especially susceptible
23 to those things being their younger developing brains
24 and those types of transmitters.

25 I don't want to take up too much of your

1 time. I have lots of research. I'm happy to send
2 over, but just basically want our voices to be heard,
3 and I'm happy to get you guys some more information
4 from the neighbors who agree the decline of, you know,
5 property values and, you know, safety and health are
6 obviously our number one concerns.

7 But that's it.

8 CHAIRMAN HEAD: Thank you,
9 Kristin.

10 MS. WARMBROOT: Yes, sir.

11 CHAIRMAN HEAD: Any questions?

12 COMMISSIONER HOFF: Can you
13 please tell me where you're located from this?

14 MS. WARMBROOT: Yes, sir. We
15 are -- I think we're three properties over.

16 MS. HOLDMEIER: Like north?

17 MS. WARMBROOT: Yeah.

18 COMMISSIONER HOFF: To the
19 north or to the south?

20 MS. WARMBROOT: Yes, we're
21 right at Rye Creek and 47. Our property actually
22 borders 47.

23 COMMISSIONER HOFF: You're the
24 first drive on Rye Creek Road?

25 MS. WARMBROOT: Yes, sir.

1 CHAIRMAN HEAD: Any other
2 questions?

3 COMMISSIONER HOFF: That's all
4 I have.

5 CHAIRMAN HEAD: Thank you.

6 MS. WARMBROOT: Thank you.

7 CHAIRMAN HEAD: Does anybody
8 else want to speak out to contest the application?

9 (NONE)

10 Do we have any rebuttal on behalf of the
11 application?

12 MR. MARTIN: Just a couple of
13 points. And again, we do appreciate everyone being
14 out and participating, and we want everyone heard.

15 I do want to address a couple of points.
16 One is that the -- where the tower -- where the
17 transmitter is located that is -- and it's built high
18 because they need to be high. So they won't be close
19 to the ground, these transmitters. They will be --
20 they will be high.

21 Another thing, the Federal Communications
22 Commission, that establishes the standards for the
23 transmitters. And so the concerns about health and so
24 forth, those are addressed by the very stringent FCC
25 standards that are in place that we have to comply

1 with. That is absolutely -- absolutely required by
2 AT&T to meet those FCC requirements. And the
3 Telecommunications Act of 1996 does not allow local
4 government bodies to be involved in health concerns
5 because, again, that is addressed by the FCC.

6 And AT&T has no discretion. It has to
7 comply with those very stringent standards.

8 The other thing I would mention, and
9 perhaps the pandemic has brought this home is that in
10 terms of property values, there have been studies and
11 articles and reports that one of the drivers of
12 property values is good cell coverage.

13 Shockingly, it's right up there with the
14 type of schools that are in the neighborhood. There's
15 an article that we ought to bring to the hearing to
16 express this. It's entitled "Surprising Thing Home
17 Buyers Care More About Than Schools, and That's Cell
18 Coverage." And it talks about that, about the
19 important of cell coverage and the ability of houses
20 to be located where they are well positioned to
21 receive good cell coverage.

22 So there's a survey of 2,000 Americans
23 who found that 60 percent rank good school districts
24 as important compared to 76 percent who called out
25 mobile service, the same proportion that ranked

1 hospitals a essential.

2 So again, I just want to, in the record,
3 make sure it's clear that the provision of the types
4 of services that are being proposed by the AT&T on
5 this tower are very valued by the community. They
6 support home property values.

7 And again, the health concerns are
8 addressed by the FCC.

9 Again, I want to thank everyone for their
10 comments, but I want to make sure that that was
11 established.

12 CHAIRMAN HEAD: Any questions?

13 (NONE)

14 Thank you. Kristin, if you want the
15 final word, you can close it out.

16 MR. WARMBROOT: I was reading
17 about the FCC and what I found, it is the act that he
18 was speaking about, we have actually apparently rolled
19 out five different levels, if that's the right word,
20 of new cell phone technologies since those regulations
21 have been put in place.

22 And so essentially there have been
23 lawsuits and things, one about these guidelines
24 basically not being able to show with the current
25 technology in place today that those guidelines are

1 outdated.

2 So it's definitely a concern that I 100
3 percent read about that, but yeah. As we know, we've
4 seen how many, you know, generations of cell phone
5 technology evolve in just the last ten years. It
6 would be much more reassuring to me if, you know,
7 those things had actually been evaluated at the
8 current level of 5G being rolled out.

9 CHAIRMAN HEAD: Any questions?

10 (NONE)

11 Thank you.

12 COMMISSIONER THATCHER: Thank
13 you.

14 MS. WARMBROOT: Thank you.

15 CHAIRMAN HEAD: All right. We
16 will close out the evidence and discussion at this
17 point, and talk amongst the Board.

18 COMMISSIONER THATCHER: Two
19 things on my mind. The first thing is we haven't had a
20 variance to the 1.5 times, and I'm concerned that we
21 may set a precedent with this variance.

22 I think that -- I don't know how the 1.5
23 was derived at, fall zone requirement. I think that
24 what I'd like to see is maybe a discussion about that
25 in the county, and, Scottie, can you enlighten us all

1 to any discussions that have been made about the 1.5
2 times fall zone requirement?

3 MS. EAGAN: Just to clarify, we
4 haven't had any new towers come before us with this
5 new code. This is our first commercial tower.

6 COMMISSIONER THATCHER: I see.

7 MS. EAGAN: Had lots of amateur
8 towers come through, but no commercial towers.

9 As far as the 1.5 times, that was in
10 place when I started, and from my understanding, that
11 started when they were doing more of older type towers
12 that weren't designed to collapse on itself. They
13 would fall over, and that's where that setback came
14 from.

15 But from my understanding, more and more
16 towers being built are being built to collapse on
17 itself rather than tip over.

18 COMMISSIONER THATCHER: The
19 monopole design versus a three-leg or four-leg design,
20 I guess?

21 MS. EAGAN: Well, it's the
22 self-supporting, I think, versus the guy is my
23 understand.

24 COMMISSIONER THATCHER: Okay.

25 MS. EAGAN: And I could be

1 completely wrong with that.

2 COMMISSIONER THATCHER: Okay.

3 So maybe that's something the County or we need to
4 really fully understand then.

5 MS. EAGAN: Yes.

6 COMMISSIONER THATCHER: The
7 second hurdle that I have is the -- even if a 235-foot
8 tower, the height of the tower doesn't bother me so
9 much. It's the fall zone given the height on the
10 neighbor's property, and I'm surprised the neighbor is
11 not here this evening to discuss this.

12 You know, and I would be concerned about
13 putting another building or something on my property
14 and having it within the fall zone of a tower of 235
15 foot.

16 I did a quick calculation where I came up
17 with roughly 75 feet to 80 feet of coming over the
18 line, if you will. And that could be right or wrong.
19 I don't know, but it seemed like a fair amount, and
20 that's a concern of mine, is the neighboring property.

21 I would like to see the neighbor sign off
22 on some way, shape or form say I got no problem with
23 it, let it happen. So that's -- the neighbor is not
24 here tonight, so I don't think we can do that.

25 COMMISSIONER HOFF: Well, your

1 neighboring property already has a tower on it. So
2 I'd assume he probably has no objection because it's
3 the same height tower.

4 COMMISSIONER THATCHER: Oh,
5 it's the same height?

6 COMMISSIONER HOFF: Yeah.

7 CHAIRMAN HEAD: So to your
8 question there, Fred. I'm curious just so that I do
9 understand this properly. The specific phrase
10 self-support tower means that it's designed for the
11 collapse rather than, you know, being part of the fall
12 zone? We're not really so worried about it as falling
13 over as we are of where the debris happens to fall
14 afterwards. Is that correct? Can we --

15 MR. BEEN: Can I answer that?

16 MS. EAGAN: It's up to you
17 guys. If you're okay with it --

18 MR. BEEN: Thank you, Chairman.

19 The -- the standard today for
20 self-support towers and monopole towers is they are
21 all designed with a point to of what they call
22 release, and instead of breaking or breaking at the
23 anchor bolts or at the bottom, these are designed, if
24 they receive sufficient of stress, it releases.

25 And then it will crumble, and that's just

1 the way they're designed now due to one, the IBC
2 building codes and two, as she mentioned, these all
3 used to be -- the standard used to be let's throw up a
4 guy tower, and when that guy tower snaps, they knew
5 it'd go like a tree.

6 And you could look up in Joplin, you
7 could look up with Katrina and all the different
8 hurricanes that have been along the coast, the towers
9 that did collapse, and there were few because it's my
10 job to know this and we searched, they do -- it looks
11 like somebody took it and they twisted it down because
12 they release, and then they wrap and fall down upon
13 themselves.

14 The Amazon tornado, that's what we call
15 it, over in Illinois, we went over there, took a
16 picture standing in the parking lot with a warehouse,
17 and the warehouse is torn in two. And just on the
18 other side of that warehouse is a 275-foot
19 self-support tower that was -- they didn't even have
20 to unplug the cable because it withstood that kind of
21 force.

22 But to answer your question now, the new
23 standard for self-support and for the monoples is that
24 they are designed to have that release point in there.
25 We used to have to have them specially designed. Now

1 that's just the way they do it.

2 And I'm going to cheat. The two
3 properties to the south are owned by our landlord's
4 mother and mother-in-law, and she's -- we've met with
5 her, and she said I have no problem with it.

6 So -- and if we needed something from her
7 signed, I would be more than happy to bring that.

8 COMMISSIONER HOFF: How about
9 to the north?

10 MR. BEEN: We -- we did not
11 approach them because we just -- we just nudge the
12 corner of their property.

13 COMMISSIONER HOFF: If it
14 dropped right on their property line, but it doesn't
15 cross?

16 MR. BEEN: But it -- it won't.
17 If it fell like a tree, yes, it would hit the property
18 line, but it just won't. And it's hard for me to
19 rationalize even thinking that because the way these
20 things are designed.

21 They're typically designed -- our typical
22 compound is a 50 by 50 and we lease a hundred by a
23 hundred. And these really are designed to drop
24 everything within that 100 by 100, and that's just the
25 standard for the building codes.

1 CHAIRMAN HEAD: Thank you.

2 COMMISSIONER HOFF: I've a
3 questions for the AT&T guy. So you said earlier you
4 -- AT&T gave them a 900-foot area from the old tower
5 to move. Why?

6 MR. KETTERER: Why did we give
7 the --

8 COMMISSIONER HOFF: Why just
9 900 feet, why not 1,000, 2,000, and why not move these
10 towers further apart?

11 MR. KETTERER: Just because
12 we'll dealing with --

13 COMMISSIONER HOFF: I mean,
14 they are close.

15 MR. KETTERER: Right,
16 absolutely.

17 COMMISSIONER HOFF: And you're
18 talking these lights, they're within sight, side by
19 side.

20 MR. KETTERER: The tower that
21 we're building is actually to replace that existing
22 tower.

23 COMMISSIONER HOFF: So it's
24 going to come down?

25 MR. KETTERER: It -- AT&T will

1 come off of that. I don't know what the code directs
2 for a tower. Is there a removal in your code?
3 Typically codes have if it's not used in 12 months,
4 it's got to come down.

5 MS. EAGAN: But we do have a
6 section on abandonment and removal. Is AT&T the
7 only --

8 MR. KETTERER: They are.

9 MS. EAGAN: Okay. Yeah, we
10 would have to look at that. Ninety days of the date
11 of ceasing of operations is what our code says.

12 COMMISSIONER SCHRIEWER: And
13 nothing would stop someone from picking up a lease on
14 that tower if they were to choose, correct?

15 MS. EAGAN: Right.

16 COMMISSIONER SCHRIEWER:
17 Nothing in our code would stop them?

18 MS. EAGAN: No.

19 COMMISSIONER HOFF: How quick
20 would something have to go back on it?

21 MS. EAGAN: One year.

22 COMMISSIONER HOFF: I don't
23 know what I'm asking here, but she brought up a
24 question about -- I'm going to use the word microwaves
25 ability here and let's say both towers are in use AT&T

1 and whoever rents the other one.

2 What's the amount of rays to affect the
3 local neighbors? And I'm asking that because she's
4 brought up a good question, and I'm only thinking this
5 because you've got two towers side by side.

6 MR. KETTERER: If I may, I'd
7 like to share. This is a study done by the American
8 Cancer Society, and this isn't a study -- that I can
9 bring you a hundred studies by the cellular industry
10 that's says don't worry about it.

11 But this is a study done by the American
12 Cancer Society. If I could enter that.

13 CHAIRMAN HEAD: Please have it
14 marked, marked as Exhibit 2.

15 (THEREUPON, EVIDENCE WAS MARKED
16 FOR IDENTIFICATION AS EXHIBIT 2.)

17 MR. KETTERER: The way these
18 towers work is they're not -- they're in the bottom
19 range. If this is the amount of exposure that a human
20 should be exposed to, we're down here. The cell phone
21 that's in your pocket is up here, and even with -- you
22 know, there's buildings downtown that have every
23 carrier in town on them. There's towers that around
24 town and in Franklin County that have all three of the
25 major carriers on them. And even that is just not

1 even in the realm of possibility of getting towards
2 the high end of permissible human exposure.

3 The -- there's a study done by the FCC
4 that basically says that in order to get even the -- a
5 fraction of the amount of exposure to RF waves that
6 you would have to go up there and hug the antenna and
7 sit there for three or four days before you would even
8 get an amount that would even affect you.

9 This tower is 240 feet in the air, and
10 the radios in the transmitters, that's the difference
11 with 5G. 5G, the radios they used to be on the
12 ground. They're now at radio level at the antenna
13 level. So they're even further away from people as
14 well.

15 And if you think about it, if you're a
16 half mile away from this tower, this tower has a
17 ten-foot tall, two-foot side antenna that's
18 broadcasting. And in your phone, you have a little
19 quarter-inch antenna that has to blast that same
20 distance.

21 So if you have a phone in your pocket,
22 you're getting more exposure than you would from even
23 a full cell tower. And even that, that phone in your
24 pocket is just a fraction of the amount of permissible
25 human exposure.

1 I -- and I want to put this in genuine
2 terms. I've had leukemia and lymphoma. So I do not
3 -- I would not talk about cancer lightly. There's
4 just -- the way these towers work, there's just no
5 exposure that would cause any problems.

6 And the American Cancer Society is a
7 reputable organization. It wasn't a study funded by
8 the industry. It was a study funded because they got
9 so many questions that they went out and did the
10 research themselves.

11 And even if there were three towers here
12 and they each had three sets of antenna on there, the
13 people at the bottom of the tower located on the
14 property wouldn't even be receiving the fraction of
15 the permissible human exposure.

16 CHAIRMAN HEAD: Thank you.

17 MR. KETTERER: Thanks.

18 CHAIRMAN HEAD: Any other
19 discussion?

20 (NONE)

21 Well, where we are is it requires a 4/5
22 vote, correct, Scottie, to approve the variance.

23 MS. EAGAN: Yeah.

24 CHAIRMAN HEAD: Or if somebody
25 on the Board makes a motion to deny, 2/5 vote would

1 deny it. So if somebody -- if we're done talking, if
2 somebody on the Board feels strongly one way or the
3 other would present a motion either in the affirmative
4 or to deny the variance, then we can vote.

5 COMMISSIONER THATCHER: I'll
6 say this. My two questions were answered. So you
7 know, cell services is just a necessity. Not only do
8 you get cell services, but I don't know if Charter
9 internet is out in that area, but if there's no
10 Charter, AT&T is the best -- the only better internet
11 service one can get.

12 So it's -- you know, we need it. That's
13 really the bottom line. People can't really exist
14 anymore without it. So for that, I would propose that
15 we approve the application as presented.

16 So that's it.

17 CHAIRMAN HEAD: We'll take that
18 as long as I'm not putting words in your mouth as a
19 motion to grant a variance, which is one variance, but
20 is technically on height and the property line,
21 correct, one application?

22 MS. EAGAN: Correct.

23 CHAIRMAN HEAD: So
24 procedurally, it's just a motion to approve the
25 variance as applied?

1 MS. EAGAN: Correct.

2 CHAIRMAN HEAD: Is that right,
3 Fred?

4 COMMISSIONER THATCHER: That is
5 correct, but I think the only other gray area that I
6 had was with the current regulation, and I think that
7 we need to look at that regulation and see if that
8 needs to be readjusted because of the monopole design
9 that is the new modern design.

10 I understand how they break off and fall
11 down and break off and fall down. It's really quite
12 simple, but it's --

13 CHAIRMAN HEAD: We're lucky we
14 don't have to be involved in that process at this
15 point, but -- so I take it as Fred made a motion to
16 approve the variance. Is there a second?

17 COMMISSIONER TOBBEN: I'll
18 second.

19 CHAIRMAN HEAD: Tim seconds the
20 motion. Is there any discussion on the motion and the
21 second?

22 COMMISSIONER HOFF: The only
23 thing that I have about that is I have no problem with
24 the height on this tower, but I do believe we need to
25 look at every tower from now on. I mean, we do have a

1 code. We need to follow it and look at each one of
2 these separately.

3 CHAIRMAN HEAD: Further
4 discussion amongst the Board?

5 (NONE)

6 Roll call, please.

7 MS. EAGAN: Justin Head?

8 CHAIRMAN HEAD: Yes.

9 MS. EAGAN: Steve Hoff?

10 COMMISSIONER HOFF: Yes.

11 MS. EAGAN: Derek Schriewer?

12 COMMISSIONER SCHRIEWER: Yes.

13 MS. EAGAN: Fred Thatcher?

14 COMMISSIONER THATCHER: Yes.

15 MS. EAGAN: And, Tim Tobben?

16 COMMISSIONER TOBBEN: Yes.

17 MS. EAGAN: Okay. With 5 in
18 favor and 0 opposed, the variance has been granted.

19 CHAIRMAN HEAD: Would anybody
20 like to make a motion to adjourn?

21 COMMISSIONER SCHRIEWER: Move
22 to adjourn.

23 COMMISSIONER HOFF: Second.

24 CHAIRMAN HEAD: Second by
25 Steve. Any discussion?

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(NONE)

All those in favor run.

(THEREUPON, THE PROCEEDINGS
CONCLUDED AT 8:04 P.M.)

o8o

1 CERTIFICATE OF REPORTER
 2 STATE OF MISSOURI)
) SS
 3 COUNTY OF FRANKLIN)

4 I, PATSY A. MAYBERRY, Professional Court
 5 Reporter and Notary Public within and for the State of
 6 Missouri, before whom the foregoing proceeding was
 7 taken telephonically, do hereby swear that: the
 8 aforementioned was held at the time and in the place
 9 previously described; the witness whose testimony
 10 appears in the foregoing transcript was duly sworn by
 11 me; the proceedings were taken down in stenographic
 12 notes by me and transcribed by me, or under my
 13 supervision, to the best of my ability; that I am
 14 neither counsel for, related to, nor employed by any
 15 of the parties to the action in which this testimony
 16 was taken; further that I am not a relative or
 17 employee of any attorney or counsel employed by the
 18 parties thereto, nor financially or otherwise
 19 interested in the outcome of the action; and that the
 20 aforementioned represents a true and accurate
 21 transcript of said proceedings

22 IN WITNESS WHEREOF, I have hereunto set
 23 my hand.

Patsy A. Mayberry



24 Patsy A. Mayberry, Court Reporter
 25 Notary Public, State of Missouri
 My Commission Expires: August 26, 2022

TRANSCRIPT OF PROCEEDINGS 8/23/2022

A	4:12	49:12	49:22	audience 7:7
abandonment	advance	anybody 8:1	50:15,24	7:13
46:6	30:11	13:4,7	51:16	August 1:10
ability 15:4	aerial 17:19	19:9 20:15	approxim...	5:2,5
37:19	17:20	33:13 36:7	10:7,10	54:25
46:25	23:25	52:19	11:11	authorize
54:13	affairs	anymore	area 15:8,20	12:12
able 15:13	32:25	20:19	18:6,7,11	available
15:23	affect 47:2	50:14	18:23	31:25
17:12 18:1	48:8	apart 45:10	20:23 28:6	average 22:5
34:2,9	affirmative	apparently	31:7 45:4	awake 22:7
38:24	50:3	38:18	50:9 51:5	aye 6:6,7,8
absolutely	affordable	appeal 7:21	areas 31:4	6:9,10,11
37:1,1	24:15	12:12	article 10:4	8:17,18,19
45:16	aforemen...	appealed	10:13,24	8:20,21,22
access 28:15	54:8,20	7:21	37:15	9:14,15,16
accomplish	agenda 5:23	appears	articles	9:17,18
32:6	7:3	54:10	37:11	
accurate	ago 30:9	applicant	as-applied	B
54:20	agree 35:4	2:14,16	29:21	B 2:9 3:1,5
acquisition	air 48:9	3:8 10:2,3	asking 30:15	6:20 7:1
14:4	airport	10:12,23	46:23 47:3	10:15
acres 10:11	21:21 30:8	11:2,5,12	aspects	back 17:9,11
28:23	allow 37:3	11:19 13:5	31:22	17:12 31:5
act 31:14	allowed	13:6,10,20	ASSISTANT	46:20
37:3 38:17	27:24 32:6	applicant's	4:12	bailing 9:1
action 54:15	alternate	11:22	associated	band 14:15
54:19	5:20	application	20:3	14:16
add 15:8	amateur 40:7	12:3,15	assume 42:2	base 10:17
address 7:3	Amazon 43:14	29:18	AT&T 3:9	18:12
7:12 36:15	American	33:11,14	14:12,12	basically
addressed	3:10 47:7	36:8,11	14:18,19	18:19
36:24 37:5	47:11 49:6	50:15,21	15:1,8	23:14 35:2
38:8	Americans	applied	19:4 24:7	38:24 48:4
adjoining	37:22	29:23,24	24:8,14,19	behalf 13:5
17:22	amount 41:19	30:13	30:22 31:4	36:10
adjourn	47:2,19	32:12	31:23 32:4	believe
52:20,22	48:5,8,24	50:25	32:25 37:2	17:24
ADJOURNMENT	anchor 42:23	appreciate	37:6 38:4	51:24
2:20	answer 19:10	33:5 36:13	45:3,4,25	best 17:4
Adjustment	27:14	approach	46:6,25	18:22
1:2 4:2	32:15	44:11	50:10	24:16
5:5 6:16	42:15	appropriate	AT&T's 16:11	50:10
7:2,18,22	43:22	30:14	18:18	54:13
7:25 11:19	answered	32:12	ATTACHED	better 27:4
27:8	50:6	approval 2:6	3:13	27:5,10,10
administ...	antenna 48:6	8:6,14	attorney	50:10
29:23	48:12,17	approve 5:23	12:25 14:8	big 16:2
ADMINIST...	48:19	8:8,10	14:9 54:17	26:17

TRANSCRIPT OF PROCEEDINGS 8/23/2022

bill 25:25	building	7:3,4,16	42:18 45:1	30:4,5,21
bit 17:11	16:7 20:23	7:17 13:11	47:13	32:12 40:5
18:2	23:9,16	29:25	49:16,18	46:1,2,11
blast 48:19	30:4,12	31:17	49:24	46:17 52:1
blasting	41:13 43:2	cases 3:7	50:17,23	codes 25:19
22:7	44:25	6:22 29:16	51:2,13,19	30:12 43:2
blue 22:5	45:21	cause 16:9	52:3,8,19	44:25 46:3
Board 1:2	buildings	49:5	52:24	collapse
4:2 5:5	30:10	causing	challenge	40:12,16
6:15 7:1,2	47:22	24:14	29:20	42:11 43:9
7:5,12,13	built 15:3	Cave 14:10	CHAMBERS 1:4	come 7:12
7:18,20,22	25:14,16	ceasing	change 20:12	13:12 33:1
7:25 8:2	26:14 30:4	46:11	characte...	33:4 34:2
9:3,12	30:5 36:17	cell 15:18	30:19	34:8,14,14
11:18	40:16,16	30:7,10	31:20	40:4,8
19:15 27:7	burden 13:6	37:12,17	Charter 50:8	45:24 46:1
27:8 28:20	Business	37:19,21	50:10	46:4
32:17	2:10,11	38:20 39:4	cheat 44:2	comes 16:4
39:17	9:22	47:20	children	17:11
49:25 50:2	Buyers 37:17	48:23 50:7	33:23	26:11
52:4		50:8	34:22	coming 16:5
bodies 37:4	C	cellular	choose 46:14	24:9 27:7
bog 32:8	C 1:23 2:9	30:24 47:9	chose 34:4	41:17
bolts 42:23	3:6 4:1,16	center 1:3	circle 17:21	COMMENCING
borders	5:1 6:21	17:3,13,16	17:21	1:11
35:22	7:1	18:25	Circuit 7:23	comment 7:8
bother 41:8	cable 43:20	certain	citizens	comments 2:8
bottom 42:23	calculation	21:16	18:23	2:15 7:14
47:18	41:16	28:11	31:25	7:16 11:15
49:13	call 2:3,3	CERTIFICATE	clarify 13:3	38:10
50:13	5:7 9:22	2:21 54:1	40:3	commercial
bought 34:4	15:5 27:20	chair 9:2	classifi...	11:1 14:6
brains 34:23	42:21	chairman 2:7	27:18	17:3 40:5
break 51:10	43:14 52:6	4:3 5:3,9	clear 38:3	40:8
51:11	called 14:20	5:22 6:3,9	close 17:14	Commission
breaking	37:24	6:12 7:24	17:15,16	1:4 4:2
42:22,22	calling	8:13,20,23	31:3 33:22	36:22
Brian 14:10	34:10	8:25 9:7	36:18	54:25
Bridgeton	cancer 3:10	9:11,16,19	38:15	COMMISSI...
30:8	47:8,12	13:1,22	39:16	4:4,5,6,7
bring 37:15	49:3,6	14:1 19:11	45:14	4:8 5:11
44:7 47:9	cancers	19:14	closer 34:19	5:13,15,18
broadcas...	34:21	28:19 29:1	34:20	5:24 6:1,7
48:18	Care 37:17	29:8 32:16	coast 43:8	6:8,10,11
brought 37:9	carrier	33:6,10,19	code 14:9	8:9,11,18
46:23 47:4	47:23	35:8,11	15:25 16:7	8:19,21,22
build 11:2	carriers	36:1,5,7	16:7 25:16	9:4,6,9,15
23:16	47:25	38:12 39:9	25:21 26:1	9:17,18
27:21	case 6:21,21	39:15 42:7	27:3,10,18	19:16,19

TRANSCRIPT OF PROCEEDINGS 8/23/2022

20:10, 25	41:20	county 1:1, 3	24:8 30:1	3:2
21:3, 12, 15	concerned	3:3, 5, 6		design 30:23
21:22 22:8	39:20	4:2, 13 5:4	<u>D</u>	40:19, 19
22:12, 16	41:12	6:17 20:4	D 2:1 3:7	51:8, 9
22:19, 24	concerning	20:16, 17	5:1 6:22	designed
23:4, 8, 11	7:16	20:17, 18	7:1	40:12
23:19, 24	concerns	27:2, 15	Daddy 14:16	42:10, 21
24:3, 6, 11	35:6 36:23	28:2 32:1	date 46:10	42:23 43:1
24:20, 23	37:4 38:7	34:3 39:25	daughter	43:24, 25
25:1, 4, 11	conclude	41:3 47:24	14:14	44:20, 21
25:20 26:4	7:17	54:3	dawn 22:9	44:23
26:16, 20	CONCLUDED	County's	day 21:11, 24	desires 7:21
27:11, 13	53:4	16:7	22:3, 5	detriment
28:3 35:12	conclusion	couple 18:15	33:24	12:19
35:18, 23	7:15	29:17	days 46:10	developing
36:3 39:12	condition	30:16	48:7	34:23
39:18 40:6	12:1	36:12, 15	deal 15:23	difference
40:18, 24	conditional	court 7:10	dealing	48:10
41:2, 6, 25	25:10 26:8	7:23 29:16	29:15	different
42:4, 6	conflict 8:2	54:4, 24	45:12	26:24 27:9
44:8, 13	consider	coverage	debris 42:13	27:18
45:2, 8, 13	20:16	15:9 16:11	decision	38:19 43:7
45:17, 23	contained	16:13, 15	7:19, 20, 21	difficul...
46:12, 16	10:21	18:20, 22	31:16	12:6, 16
46:19, 22	contest	32:6 33:3	decline 35:4	director
50:5 51:4	33:14 36:8	37:12, 18	definitely	4:11 32:24
51:17, 22	contracted	37:19, 21	39:2	directs 46:1
52:10, 12	15:11	cranky 33:23	demolished	DISCLOSURES
52:14, 16	corner 11:8	crazy 34:15	30:10	2:5
52:21, 23	17:14	34:16	demonstr...	discretion
communic...	44:12	creating	12:7, 16	37:6
11:1	correct 21:2	15:2	denial 29:20	discuss
Communic...	21:14	Creek 10:8	deny 49:25	41:11
2:8 36:21	22:10, 11	35:21, 24	50:1, 4	discussion
community	22:17, 18	criteria	department	2:18 6:4
33:3 38:5	22:23	28:18	14:24, 25	7:16 8:14
companies	23:22 24:2	criticize	depends	9:3, 12
26:24	42:14	15:25	21:20	39:16, 24
company 14:4	46:14	cross 25:7	deprivation	49:19
14:6	49:22	44:15	12:9	51:20 52:4
compared	50:21, 22	crumble	Derek 4:4	52:25
37:24	51:1, 5	42:25	5:12 52:11	discussions
completely	counsel 4:13	CRYSTAL 4:12	derived	40:1
18:12 41:1	29:13	curious 42:8	39:23	distance
comply 36:25	54:14, 17	current 15:9	describe	10:17
37:7	counties	25:16	30:17	48:20
compound	19:23 20:2	38:24 39:8	described	distingu...
44:22	country 16:2	51:6	54:9	12:10
concern 39:2	16:24	currently	DESCRIPTION	districts

TRANSCRIPT OF PROCEEDINGS 8/23/2022

10:16	46:18,21	especially	exposure	36:21
37:23	49:23	34:22	47:19 48:2	feel 14:14
DOCUMENT...	50:22 51:1	essential	48:5,22,25	34:11
3:9	52:7,9,11	38:1	49:5,15	feels 8:4
doing 15:10	52:13,15	essentially	express	50:2
16:1,24	52:17	38:22	37:16	feet 11:1,4
23:17 27:3	earlier 45:3	established	external	11:6,7,8
27:19	easement	38:11	32:25	11:11
29:14	23:17	establishes	extraord...	16:14,18
40:11	EAST 1:5	36:22	11:25	16:20,20
dollars	economic	estate 14:6	extreme	17:10
23:23	32:4	evaluated	16:10,23	18:25
door 23:21	effective	39:7		22:22
downtown	31:21	evening	F	24:22,24
47:22	either 20:4	41:11	F 10:5	27:16
drive 35:24	50:3	evidence	FACTS 10:10	28:13,16
drivers	elect 9:5	6:24 11:20	fail 16:9	41:17,17
37:11	election 2:7	13:19	fair 8:4	45:9 48:9
drop 31:6	8:25	31:15,17	41:19	fell 28:10
44:23	elevation	39:16	fairly 17:7	44:17
dropped	28:11,12	47:15	18:7	field 18:11
44:14	31:6	evolve 39:5	fall 10:5,21	fifty 16:20
drops 17:9	elevations	example	11:3,6,14	16:20
28:5	11:13	18:10	19:21	file 2:12
dual 21:9,10	embodied	exceptional	20:25	6:21 9:23
due 24:9	12:22	11:23,25	22:13,20	9:25
43:1	emergency	12:5,6	23:9 39:23	FILES 3:7
duly 54:10	14:23 15:6	Exhibit 3:4	40:2,13	final 38:15
dusk 22:9	employed	3:5,6,7,9	41:9,14	financially
	54:14,17	3:10 6:19	42:11,13	54:18
E	employee	6:20,21,22	43:12	find 15:11
E 2:1,9 3:1	54:17	13:21 29:3	51:10,11	15:20
4:1,1 5:1	engineering	47:14,16	falling	17:12 28:6
5:1	16:5	EXHIBITS	42:12	fire 14:24
EAGAN 2:13	engineers	3:12 7:1	family 34:5	first 7:5,9
4:11 5:8	18:19	exist 16:8	far 30:1	13:5,11
5:10,12,14	30:23	50:13	40:9	14:21,22
5:17,19	enlighten	existing	favor 6:6	15:2,4,9
6:15 9:25	39:25	17:23	8:17 9:14	15:14
13:15	ensure 15:4	18:14 25:2	52:18 53:2	17:20
16:18	enter 47:12	45:21	FCC 36:24	18:23
23:10,14	entitled	Expires	37:2,5	20:20
25:9,12,17	37:16	54:25	38:8,17	29:18 32:2
25:22	equipment	explaining	48:3	35:24
26:12	15:13,14	18:20	feasibility	39:19 40:5
27:17 40:3	18:13	explanation	32:5	five 28:1
40:7,21,25	Eric 14:7,10	24:13	federal	38:19
41:5 42:16	19:8 29:6	exposed	14:20	fix 26:2
46:5,9,15	29:7,8	47:20	31:14	floor 1:4

TRANSCRIPT OF PROCEEDINGS 8/23/2022

follow 52:1	funded 49:7	granted	7:24 8:13	hidden 18:13
follow-up	49:8	11:18	8:20,23	hide 18:12
27:14	further	12:18	9:7,11,16	high 21:11
followed 7:5	19:12	32:13	9:19 13:1	22:3,4
foot 27:15	27:12 31:5	52:18	13:22 14:1	24:21 31:3
28:5 41:15	45:10	gray 51:5	19:11,14	36:17,18
footage	48:13 52:3	Great 32:19	28:19 29:1	36:20 48:2
21:16	54:16	greater	29:8 32:16	highlight
force 43:21		19:21,22	33:6,10,19	29:17
forced 16:25	G	ground 34:19	35:8,11	highway 10:9
foregoing	G 2:9 5:1	36:19	36:1,5,7	17:9 28:5
54:6,10	generations	48:12	38:12 39:9	hill 28:6
forget 27:19	39:4	guard 15:1	39:15 42:7	hired 15:15
forgive	genuine 49:1	guess 14:17	45:1 47:13	hit 22:17,17
34:17	getting 48:1	21:13 22:9	49:16,18	23:21 24:4
form 41:22	48:22	22:21,25	49:24	44:17
forms 11:8	give 23:15	26:5 27:13	50:17,23	hits 22:13
forth 36:24	45:6	40:20	51:2,13,19	Hoff 4:6
found 37:23	given 31:18	guidelines	52:3,7,8	5:10,11
38:17	41:9	38:23,25	52:19,24	6:8 8:9,19
four 28:1	go 15:11	guy 40:22	health 34:21	9:4,15
48:7	17:21,22	43:4,4	35:5 36:23	24:23 25:1
four-leg	18:3,4	45:3	37:4 38:7	28:3 35:12
40:19	24:12	guys 27:3,5	hear 14:18	35:18,23
fraction	26:21 31:5	27:9 35:3	heard 3:7	36:3 41:25
48:5,24	31:12 43:5	42:17	6:22 33:14	42:6 44:8
49:14	46:20 48:6		35:2 36:14	44:13 45:2
Franklin 1:1	goal 33:2	H	hearing 2:4	45:8,13,17
1:3 3:5,6	goes 14:16	H 2:9 3:1	6:13,16,23	45:23
4:2 5:4	going 5:4	half 21:1	7:4,8,17	46:19,22
6:16 16:7	14:15 22:5	48:16	37:15	51:22 52:9
20:4,16	22:6,6,21	hand 54:22	heed 30:24	52:10,23
27:1 28:2	27:4 29:14	happen 27:16	height 10:6	HOLDMEIER
31:25 34:3	31:23 44:2	41:23	10:20,25	4:12 35:16
47:24 54:3	45:24	happens 13:1	11:4 15:25	home 37:9,16
Fred 4:8	46:24	23:18	19:1,6,20	38:6
5:14 9:5,8	good 12:19	42:13	19:21 20:4	hone 34:10
42:8 51:3	33:19	happy 19:10	20:5,7,8	honest 26:23
51:15	37:12,21	32:15 35:1	26:9 41:8	hospitals
52:13	37:23 47:4	35:3 44:7	41:9 42:3	38:1
frequency	Gordon 9:1	hard 44:18	42:5 50:20	house 22:14
30:23	governed	harder 27:6	51:24	22:17
friends	6:16	hardship	held 54:8	houses 37:19
26:25	government	11:21 12:7	Hello 29:6	hug 48:6
front 7:12	1:3 14:20	hardships	HERETO 3:13	human 47:19
23:2 27:7	15:1 37:4	12:17	hereunto	48:2,25
full 48:23	grade 24:18	Head 4:3 5:3	54:22	49:15
fully 26:21	grant 12:11	5:8,9,22	Hi 29:8	hundred
41:4	50:19	6:3,9,12	33:17	16:19,20

TRANSCRIPT OF PROCEEDINGS 8/23/2022

44:22,23 47:9 hurdle 41:7 hurricanes 43:8	12:21 intensity 21:10,11 22:2,3,4 intent 12:21 interest 8:2 interested 54:19 internet 50:9,10 intersec... 10:8 involved 14:20 37:4 51:14 issue 24:14 issues 26:3 34:21 it'd 43:5 item 9:23 items 27:2	46:8 47:6 47:17 49:17 key 30:18 31:22 kids 34:7 kind 17:15 19:8 43:20 knew 43:4 know 16:4 19:8 23:18 25:14 29:19 31:5 31:12 33:2 34:2,4,6 34:15 35:4 35:5 39:3 39:4,6,22 41:12,19 42:11 43:10 46:1 46:23 47:22 50:7 50:8,12 Krakow 26:15 27:15,22 Kristin 33:17,22 35:9 38:14	legalities 31:13 32:8 let's 8:6 27:25 43:3 46:25 letter 18:18 18:19 leukemia 49:2 level 17:7 17:12 31:24,24 39:8 48:12 48:13 levels 38:19 Lexitas 1:24 4:15 liability 23:12 liable 23:18 life 27:6 light 21:16 lighting 21:7,8,10 22:2 lightly 49:3 lights 45:18 line 10:18 11:7,7,9 41:18 44:14,18 50:13,20 lines 10:22 listed 7:3 little 17:11 27:6 48:18 live 28:23 34:3 living 22:7 local 37:3 47:3 locate 18:1 located 10:7 15:17 17:6 17:7 35:13 36:17 37:20 49:13 location	14:13 15:19 19:1 19:6 27:23 locations 27:22 28:1 LOCUST 1:5 long 33:23 50:18 look 18:5 29:19,21 43:6,7 46:10 51:7 51:25 52:1 looking 15:18 23:25 28:4 30:3,16 looks 43:10 lot 11:8,13 24:17 27:10 31:12 34:21 43:16 lots 35:1 40:7 Louis 1:24 4:15,18 low 22:2 lucky 51:13 lymphoma 49:2
I				
IBC 43:1 ideal 31:9 ideally 31:2 IDENTIFI... 3:2 6:25 13:20 47:16 III 2:12 10:2 Illinois 43:15 impairing 12:20 impartial 8:4 important 15:18 30:22 31:4 37:19,24 improve 33:2 including 15:14 indicated 29:13 industry 47:9 49:8 informal 13:4 information 34:10 35:3 infrastr... 31:4 Infrastr... 14:5 inherent 30:14 install 18:21 insurance 23:20,21 23:23 integrity	J	January 2:6 8:7 Jeremy 32:23 32:24 33:8 job 43:10 joined 14:14 joint 27:20 Joplin 43:6 jurisdic... 30:2 Justin 4:3 5:8 52:7		
		L		
		L 2:9 land 6:17 11:22 31:20 34:7 landlord 15:19,20 landlord's 44:3 law 31:14 lawsuits 38:23 lead 34:20 lease 44:22 46:13 left-hand 17:14 Legal 1:24 4:13,15		
			M	
			mail 8:1 33:25 major 18:7 47:25 map 3:5 6:20 12:23 28:4 marching 14:15,16 Mark 9:21 25:24 marked 6:25 13:19 47:14,14 47:15 Martin 14:7	

TRANSCRIPT OF PROCEEDINGS 8/23/2022

29:6,7,12	23:23	narrow 30:25	34:21	offend 20:15
32:19	mind 13:18	narrowness	new 2:11	offer 20:6
36:12	17:19	11:23	11:6 15:12	official
Master 3:6	19:17	30:20	17:2,2	6:20,20
6:20	26:11	narrows	27:3 38:20	Oh 16:18
matters 25:7	39:19	17:15	40:4,5	20:13
29:15	mine 41:20	national	43:22 51:9	26:18 42:4
maximum	minutes 2:6	14:25	night 21:11	okay 21:3
10:25	8:7,8,15	nationwide	21:24 22:3	22:19
Mayberry	Missouri 1:6	24:14	Ninety 46:10	24:11
1:23 4:16	4:18 16:9	near 17:13	normal 19:25	27:11 29:1
54:4,24	24:18	17:22 18:4	north 4:17	40:24 41:2
mean 20:12	27:21 30:6	necessarily	35:16,19	42:17 46:9
26:20	32:25	25:13	44:9	52:17
45:13	34:16 54:2	necessity	northern	old 9:22
51:25	54:6,24	50:7	11:9 18:2	25:21
means 16:12	mobile 37:25	need 7:22	northwest	26:24 45:4
42:10	modern 51:9	19:6 26:2	11:7	older 40:11
medium 21:10	monocles	28:16	notably 30:2	ones 26:13
meet 11:14	43:23	30:24	Notary 54:5	ooh 9:6,7
16:11,12	monopole	36:18 41:3	54:24	open 5:4 9:3
18:20,22	40:19	50:12 51:7	note 3:12	opened 7:4
25:25	42:20 51:8	51:24 52:1	31:13	opening 9:2
31:10 37:2	months 46:3	needed 28:11	noted 29:25	operation
meeting 5:4	mother 44:4	28:14 44:6	31:6,22	27:20
meetings	mother-i...	needs 15:8	notes 30:16	operations
29:15	23:7 44:4	51:8	54:12	46:11
meets 32:10	motion 5:23	neighbor	nudge 44:11	opposed 8:23
member 8:2	5:25 6:4	22:20	nudges 18:2	9:19 52:18
members 7:24	8:7,10,13	41:10,21	number 9:23	opposing
9:12 19:15	9:5 49:25	41:23	9:25 35:6	31:18
28:20	50:3,19,24	neighbor's	numbers 15:9	opposition
32:17	51:15,20	25:7 41:10		13:8
mention 37:8	51:20	neighbor...	O	order 2:3
mentioned	52:20	37:14	O 5:1 10:15	16:11,12
19:3 27:1	mouth 50:18	neighboring	o8o 53:5	18:20,21
30:6 32:2	move 8:6	41:20 42:1	objection	24:15,15
43:2	24:16 45:5	neighbors	42:2	48:4
mere 12:11	45:9 52:21	34:1 35:4	objective	ordinance
met 27:23		47:3	16:12,13	17:25
28:12,17	N	neither	16:15	organiza...
28:17 44:4	N 2:1,9 4:1	54:14	objectives	49:7
microwaves	5:1	Net 14:21,22	18:21	ought 37:15
46:24	name 7:9	15:9,14	32:10	outcome
middle 16:22	13:23,24	18:24 32:2	objects 32:6	54:19
17:1 18:11	22:14 23:2	network 15:2	obviously	outdated
mile 48:16	29:7 32:23	15:3,7	23:20 35:6	25:23 39:1
miles 10:8	33:20	24:15	occasions	outside
Millions	name's 33:21	neurobla...	34:16	29:13 30:1

TRANSCRIPT OF PROCEEDINGS 8/23/2022

overall 17:10	peculiar 12:5	plan 3:6 6:21 12:22	primary 28:23	11:7,9,13 12:2,8,13
overlay 31:10	people 34:20 48:13	PLANNING 1:1 3:4 4:10	print 7:9	15:16,17
owned 44:3	49:13	4:11	prior 25:16	15:24
owner 12:8 23:1 24:10	50:13	please 5:7 5:22 6:6	priority 15:7	16:22 17:1 17:5,6,7,8
owners 28:22 32:5	percent 20:4 20:5,7,8	6:13 8:17 9:14,24	privilege 12:11	17:8,9,12 17:13,15
P	21:1,25 37:23,24	13:12,22 26:18,19	probably 15:17	17:16 18:2 18:3 22:22
P 2:9 4:1,1 5:1 10:16	39:3	26:18,19 35:13	17:24 42:2	23:1 25:8 28:9,10,11
P.M 1:11 53:4	performance 33:3	47:13 52:6	problem 41:22 44:5	31:10 34:4 35:5,21
packet 17:18	permissible 48:2,24	pocket 47:21 48:21,24	51:23	37:10,12 38:6 41:10
packets 8:1 8:3	49:15	point 11:10 18:18	problems 49:5	41:13,20 42:1 44:12
page 2:2 3:2 18:5	permit 23:16 26:8	39:17 42:21	procedur... 50:24	44:14,17 49:14
pandemic 37:9	permits 25:10	43:24 51:15	procedures 2:4 6:13	50:20
Parallel 2:12 10:2	permitted 25:18	points 32:9 36:13,15	13:3	proceed 7:18
14:5 15:11	26:14	36:13,15	proceeding 2:2 54:6	proportion 31:8 37:25
29:13	27:21	police 14:25	proceedings 1:9 53:3	propose 50:14
Parallel's 14:8,12	personally 27:8	polish 19:8	54:11,21	proposed 14:12
parameters 30:25	ph 14:11 15:23	positioned 37:20	process 29:16	18:21 22:13 38:4
parcel 11:10 30:17 31:2	phone 38:20 39:4 47:20	possibility 48:1	51:14	proposing 11:2
Pardon 33:23	48:18,21	possible 24:16	Professi... 54:4	protect 27:4
parking 43:16	48:23	possibly 17:16	program 14:19,22	protecting 27:9
part 26:3 42:11	photograph 17:19,20	postcard 33:25	prohibition 31:22 32:3	provide 18:22,23
particip... 36:14	phrase 42:9	Prairie 10:9	projects 26:23	31:24
particular 24:21 31:2	picking 46:13	precedent 39:21	pronounce 22:14	provided 7:10 12:17
parties 3:13 8:3 54:15	picture 30:17	present 5:16 13:11,11	proper 29:23	32:11
54:18	43:16	50:3	properly 29:24 42:9	provides 11:19
passed 17:1 17:2 25:25	pictures 30:7	PRESENTA... 2:13,14	properties 17:22	provision 38:3
Patsy 1:23 4:16 54:4	place 6:18 14:19 18:1	presented 50:15	35:15 44:3	proximity 21:21
54:24	30:8,25	preventing 15:10	property 10:7,10,18	public 2:15 2:17 7:8
	36:25	previously 54:9	10:22 11:6	7:17 12:19
	38:21,25			
	40:10 54:8			

TRANSCRIPT OF PROCEEDINGS 8/23/2022

54:5,24 purpose 12:21 put 15:12,13 16:21 17:5 17:13 21:25 22:1 23:9 24:16 38:21 49:1 putting 41:13 50:18	48:11 raise 34:6 range 47:19 rank 37:23 ranked 37:25 rare 16:1,2 rationalize 44:19 rays 47:2 read 6:13 7:5 9:24 34:18 39:3 reading 38:16 readjusted 51:8 real 14:6 really 15:6 17:4 18:17 21:20 26:22 41:4 42:12 44:23 50:13,13 51:11 realm 48:1 reason 11:23 14:8 34:3 reassuring 39:6 rebuttal 2:16,17 36:10 receive 15:5 37:21 42:24 received 7:25 receiving 49:14 record 6:14 6:19 18:16 29:3 32:9 38:2 red 21:10,16 21:23 22:2 referring 20:11 regarding	8:14 29:18 regional 32:24 regulation 51:6,7 regulations 3:4 6:17 6:19 12:4 12:23 19:20 25:23 38:20 related 54:14 relates 11:21 relating 12:13 relative 54:16 relatively 13:4 release 42:22 43:12,24 releases 42:24 relief 12:17 relive 12:15 remember 25:5 26:10 26:10,17 remind 16:16 removal 46:2 46:6 rents 47:1 replace 45:21 report 7:4 9:24 Reported 1:22 reporter 2:21 7:10 54:1,5,24 reports 37:11 represen... 19:4	represen... 14:5 represents 54:20 reputable 49:7 request 33:1 requested 13:8 requests 11:5 15:20 require 18:24 21:16 31:15 required 37:1 requirement 11:14 39:23 40:2 requirem... 16:14,16 31:10 32:11 37:2 requires 21:8 49:21 research 34:11 35:1 49:10 researched 15:16 residence 28:23 residences 18:6 resident 33:22 responders 15:2,4 restrict... 26:8 result 12:4 RETAINED 3:12 rezoning 30:4 RF 48:5 right 5:3 20:22	21:22 26:2 31:25 35:21 37:13 38:19 39:15 41:18 44:14 45:15 46:15 51:2 ring 28:9,10 28:13 30:24 31:9 risk 23:17 road 10:8 17:8 31:3 35:24 roll 2:3 5:7 52:6 rolled 38:18 39:8 room 7:12 22:7 roughly 22:21,21 41:17 rule 27:15 run 53:2 rural 18:7 20:16,17 20:18 Russ 29:12 29:25 30:5 30:22 31:5 31:22 32:2 RUSSEL 13:17 Russell 13:24 14:1 Rye 10:8 35:21,24
Q				
quarter-... 48:19 question 20:15 21:4 21:5,6 22:25 26:5 27:14 28:4 28:20 31:21 42:8 43:22 46:24 47:4 questions 7:6,15 19:5,7,9 19:14,17 27:12 29:2 32:15,16 33:6 35:11 36:2 38:12 39:9 45:3 49:9 50:6 quick 41:16 46:19 quite 27:2 28:7 34:1 51:11 quorum 5:21				
R				
R 1:23 2:9 4:1,16 5:1 rad 18:25 radio 30:23 48:12 radios 48:10				
				S
				S 2:9 3:1 5:1 safety 30:14 35:5 says 46:11 47:10 48:4 scheme 22:2

TRANSCRIPT OF PROCEEDINGS 8/23/2022

school 37:23	seeking 10:3	29:3 38:24	somebody	36:22,25
schools	10:12,23	showing	16:21	37:7
37:14,17	seen 19:23	18:10	23:21	standing
Schriewer	19:25 39:4	side 17:5	43:11	30:11
4:4 5:12	selected	43:18	49:24 50:1	43:16
5:13 6:10	31:8	45:18,19	50:2	staring 34:6
8:21 9:17	Selective	47:5,5	somewhat	start 34:5
46:12,16	14:3	48:17	30:25	started
52:11,12	self-sup...	sight 45:18	sorry 12:24	40:10,11
52:21	42:10,20	sign 14:4	26:17	state 13:22
Scottie 4:11	43:19,23	23:12	sort 23:13	16:8 27:21
6:12 9:21	self-sup...	41:21	23:20	54:2,5,24
9:24 13:2	11:3 40:22	sign-in 7:9	south 10:8	stated 19:20
21:5 22:25	send 35:1	signed 44:7	22:20 23:1	statements
22:25 26:6	sent 15:19	significant	24:1 35:19	23:15
39:25	separately	32:2,3	44:3	states 10:14
49:22	52:2	similar 20:3	southern	10:25
Scottie's	service	simple 51:12	11:6 18:3	11:12
27:14	31:24 32:1	Sinkhouse	spare 24:13	19:23
search 28:9	32:4 37:25	15:23 23:3	spatula	Statutes
28:10,12	50:11	23:5 24:1	30:18	27:21
30:23 31:9	services	sir 24:25	speak 7:8,11	stems 14:24
searched	14:23 38:4	25:3 35:10	13:4,8,9	stenogra...
43:10	50:7,8	35:14,25	36:8	54:11
second 1:4	set 39:21	sit 48:7	speaking	Steve 4:6
6:2,4 8:12	54:22	site 15:12	38:18	5:10 52:9
8:14 9:8	setback 16:3	24:1 28:17	speaks 30:21	52:25
9:10,11	29:23	sites 24:16	specialy	stop 46:13
41:7 51:16	40:13	situated	43:25	46:17
51:18,21	setbacks	31:3	specific	storms 34:15
52:23,24	10:5	situation	12:2 27:22	straight
seconds	sets 49:12	12:1 15:6	27:23 42:9	26:8
51:19	seven 10:11	15:10 32:5	specific...	STREET 1:5
section 10:4	28:1,22	situations	34:22	4:17
10:13,24	shallowness	24:10	spot 17:8,12	strength
11:15 46:6	11:24	six 28:1	SS 54:2	31:19
sections	30:21	size 10:11	St 1:24 4:15	stress 42:24
18:15	Shannon 14:9	15:24	4:18	strict 12:3
see 16:2	shape 11:12	skip 18:15	staff 4:10	12:14
17:21 18:5	11:24	sky 22:5	7:4,6 9:24	25:19
22:6 23:25	15:24	small 28:9	11:15	strictly
27:25 30:2	30:20	28:13	standard	14:23
30:6,9,10	41:22	snaps 43:4	27:9 30:1	strike 15:23
30:11,18	share 47:7	Society 3:10	31:11	stringent
34:13	She'll 29:9	47:8,12	42:19 43:3	36:24 37:7
39:24 40:6	sheet 7:9	49:6	43:23	strobe 21:8
41:21 51:7	Shockingly	solely 11:21	44:25	21:13,16
seeing 16:23	37:13	Solutions	standards	21:17
16:25	show 20:7	14:4	29:19	strongly

TRANSCRIPT OF PROCEEDINGS 8/23/2022

50:2 structure 30:15 31:19,19 32:14 structures 17:23 18:1 18:4,8 studies 37:10 47:9 study 3:10 47:7,8,11 48:3 49:7 49:8 stuff 25:22 subdivision 17:2 submit 7:22 substantial 12:18 31:15,17 substant... 12:20 suburban... 20:22 sufficient 11:20 34:11 42:24 sum 32:10 super 25:19 supervision 54:13 support 33:1 33:5,11 38:6 sure 19:18 38:3,10 surprised 41:10 Surprising 37:16 survey 37:22 susceptible 34:22 swear 29:9 54:7 sworn 7:10 13:12,14	29:11 32:22 33:16 54:10 system 30:24 30:25 <hr/> <p align="center">T</p> <hr/> T 3:1 10:15 take 13:16 19:10 34:25 50:17 51:15 taken 54:7 54:11,16 talk 14:24 14:25 34:8 39:17 49:3 talked 34:1 talking 45:18 50:1 talks 37:18 tall 16:14 28:7 48:17 technically 50:20 technolo... 38:20 technology 30:12 38:25 39:5 Telecomm... 10:4,13,24 Telecomm... 31:14 37:3 telephone 14:22 15:5 15:7 telephon... 54:7 tell 35:13 ten 39:5 ten-foot 48:17 tenant 14:12 tend 20:23 tends 21:17 terms 21:4,7	23:20 29:14,22 37:10 49:2 testify 13:5 testimony 54:9,15 thank 13:2 27:12 29:4 29:5 32:19 33:8,9 35:8 36:5 36:6 38:9 38:14 39:11,12 39:14 42:18 45:1 49:16 Thanks 49:17 Thatcher 4:8 5:14,15 6:1,7 8:11 8:18 9:6 19:16,19 20:10,25 21:3,12,15 21:22 22:8 22:12,16 22:19,24 23:4,8,11 23:19,24 24:3,6,11 24:20 25:4 25:11,20 26:4,16,20 27:11 39:12,18 40:6,18,24 41:2,6 42:4 50:5 51:4 52:13 52:14 thereto 54:18 thing 15:18 18:17 26:17 36:21 37:8 37:16 39:19	51:23 things 18:12 26:1 27:4 29:18 34:6 34:23 38:23 39:7 39:19 44:20 think 20:17 25:18 26:12 27:25 35:15 39:22,23 40:22 41:24 48:15 51:5 51:6 thinking 44:19 47:4 thousand 28:16 three 16:19 16:20 28:1 35:15 47:24 48:7 49:11,12 three-leg 40:19 throw 43:3 Tim 5:17 9:11 51:19 52:15 time 6:18 19:10 27:19 29:4 35:1 54:8 times 10:20 15:25 19:21 39:20 40:2 40:9 TIMOTHY 4:7 tip 40:17 Tobben 4:7 5:17,18,24 6:11 8:22 9:9,18 27:13	51:17 52:15,16 today 16:6 34:8 38:25 42:19 told 14:15 tonight 8:3 9:23 34:2 41:24 tonight's 5:23 6:13 6:15 top 31:24,24 topograp... 28:4 topography 11:24 torn 43:17 tornado 30:9 43:14 touch 15:22 tower 2:12 10:2,6,18 10:20 11:1 11:3,4,14 14:6 15:12 15:18 16:1 16:3,9,13 16:15,22 18:24 19:2 19:20,22 20:5,5,7,9 20:20 21:7 22:13 23:25 24:4 24:7,9,9 24:10,21 25:2,21 26:9,10,13 26:15 27:15,23 28:7,14,16 28:17 30:3 30:3 31:23 32:5,10 33:23 34:9 36:16 38:5 40:5 41:8 41:8,14
---	--	--	---	---

TRANSCRIPT OF PROCEEDINGS 8/23/2022

43:4,4,19	try 20:15	20:21,22	vice 2:7	50:17
45:4,20,22	trying 26:21	unplug 43:20	8:25 9:2	we're 5:4
46:2,14	30:17	unreason...	VISITOR 2:8	13:3 16:23
48:9,16,16	34:10	12:9	voice 33:1,5	16:25
48:23	Tuesday 5:5	unusual	voices 35:2	18:10
49:13	turn 7:11	30:20	vote 2:19	26:21,23
51:24,25	15:15	update 25:24	49:22,25	28:10,12
towers 10:4	turning	upper 17:14	50:4	30:2 35:15
10:13,24	17:19	use 6:17		35:20
16:1,24,25	twisted	12:10	W	42:12
20:11,12	43:11	25:10 26:8	W 10:15	45:21
20:12,14	two 24:17	46:24,25	waiver 23:12	47:20 50:1
20:24	26:2 28:1	utility	want 13:15	51:13
21:25 22:1	39:18 43:2	23:16	24:21	we've 7:25
24:17,18	43:17 44:2	utilize 17:4	29:20 32:9	18:1 19:5
25:9 27:22	47:5 50:6		34:25 35:2	23:20
30:7,10	two-foot	V	36:8,14,15	24:17
34:13,18	48:17	valued 38:5	38:2,9,10	26:12 27:1
40:4,8,8	type 30:3,3	values 35:5	38:14 49:1	39:3 44:4
40:11,16	31:18 32:1	37:10,12	wanted 23:9	weather
42:20,20	32:13	38:6	29:17 33:1	34:16
43:8 45:10	37:14	variance	33:4 34:8	welcome 19:7
46:25 47:5	40:11	10:3,12,23	wants 13:5,7	went 15:15
47:18,23	types 34:6	11:5,17	13:10,11	26:8 43:15
49:4,11	34:24 38:3	12:14 13:8	33:13	49:9
town 47:23	typical	25:5,13	warehouse	weren't
47:24	20:14 22:2	29:19,22	43:16,17	40:12
Township	44:21	31:11,18	43:18	Wheaton 14:9
10:9	typically	32:11 33:2	Warmbroot	WHEREOF
transcribed	44:21 46:3	39:20,21	33:17,21	54:22
54:12	U	49:22 50:4	33:22	white 21:11
transcript	U 2:9	50:19,19	35:10,14	21:17 22:3
1:9 54:10	ugly 27:2	50:25	35:17,20	22:4
54:21	Uh-huh 25:20	51:16	35:25 36:6	white's
transmitter	understand	52:18	38:16	21:24
36:17	26:21	variances	39:14	wide 11:11
transmit...	40:23 41:4	26:9 29:24	wasn't 25:18	widest 11:10
34:19,24	42:9 51:10	30:13	34:9 49:7	willing
36:19,23	understa...	32:13	waves 48:5	15:19,21
48:10	34:17	various	way 25:23	16:21
traveled	40:10,15	29:15	27:3 32:7	wind 16:8
31:3	undue 12:7	Vedder 4:5	41:22 43:1	30:6
treasurer	UNFINISHED	5:20	44:1,19	winds 34:14
14:16	2:10	vegetation	47:17 49:4	withstand
tree 43:5	unfortun...	18:14	50:2	30:5
44:17	34:1	vent 16:8	we'll 9:22	withstood
troublesome	Unified 6:17	verify 19:4	13:4 20:23	43:20
21:17	Union 1:6	versus 40:19	26:24 29:3	witness
true 54:20		40:22	45:12	13:13

TRANSCRIPT OF PROCEEDINGS 8/23/2022

29:10	42:6 46:9	44:24,24	48:9	51 2:19
32:21	49:23	100-foot	240-foot	52 2:20
33:15 54:9	year 46:21	20:11	17:20	54 2:21
54:22	years 9:1	103 (A) 11:16	25 2:6 8:7	5g 14:19,19
wooded 18:11	22:1 24:17	11TH 4:17	22:1	15:8,14
31:7	25:21	12 46:3	250- 20:23	18:24 32:1
word 38:15	29:14 30:9	13 2:14 3:9	26 54:25	34:18 39:8
38:19	39:5	170 11:7	275-foot	48:11,11
46:24	younger	175 24:18	43:18	
words 50:18	34:23	19 10:4,13		6
work 15:21	Z	10:24	3	6 2:4 3:4,5
47:18 49:4	zone 10:5,21	199 21:20	30-minute	3:6,7
worked 15:1	11:3,6,14	1990 16:25	24:13	60 17:9
20:3 26:25	12:22,23	1996 31:14	300 16:17	22:21 28:5
27:1	19:21	37:3	314 4:19	37:23
working	22:13,20	2	321 11:11	63084 1:6
25:24	23:9 39:23	2 3:10 47:14	33 2:15	63101 4:18
26:23	40:2 41:9	47:16	348 (C) (2)	644-2191
works 14:10	41:14	2,000 37:22	10:5,14	4:19
worried	42:12	45:9	348 (F) (1)	
42:12	zones 21:1	2/5 49:25	10:25	7
worry 47:10	zoning 1:1,2	20 25:21	35 15:20	7 2:5
wouldn't	3:4,5 4:10	29:14	350 16:18	7:00 1:11
13:17	4:11 5:5	200 11:1	350-foot	70 11:6
17:19	6:16,20	27:15	20:24	22:22
20:17 24:4	7:2,18,22	200-foot	352.5 11:4	711 4:17
25:12 28:6	7:25 10:16	20:12	36 2:16	75 41:17
49:14	11:18	200-mile...	38 2:17	76 37:24
wrap 43:12	19:20 27:8	34:14	39 2:18	
written	27:18	2004 20:20	4	8
12:24 14:9	29:15	2014 25:18	4/5 49:21	8 2:6,7
25:24	0	26:7	400 1:5	24:18
wrong 26:2	0 52:18	2022 1:10	45 10:7	8:04 53:4
34:18 41:1	1	2:6 5:2,6	450-foot	80 22:22
41:18	1 3:9 10:5	8:7 54:25	20:14	41:17
X	13:21 29:3	220123 2:12	47 3:10 10:9	800-foot
X 2:1 3:1	1,000 45:9	9:23 10:1	17:9 35:21	26:10
Y	1.5 10:19	23 1:10 5:2	35:22	9
Y 10:15	15:25	5:5	5	9 2:8,13
Yarvoski	16:10	235 16:14	5 2:3 52:17	900 28:13,16
22:14,15	19:21	18:25	5,000 22:1	45:9
Yavarski	29:25	41:14	50 20:4	900-foot
15:22	39:20,22	235-foot	44:22,22	45:4
yeah 24:3	40:1,9	11:3 16:15	500 27:15	911 14:24
25:17	100 20:5,7,8	21:7 22:13	500-foot	99 21:25
27:25	21:1 39:2	41:7	26:14	
35:17 39:3		240 11:8	27:22	
		24:22,23		