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

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
OCTOBER 18, 2016
(Commencing at 7:00 p.m.)

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

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E X H I B I T S

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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

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A P P E A R A N C E S

BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:

- William Evans, Jr., Chairman
- Jay Schulteheinrich, Co-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
- Ms. Nichole Zielke, Administrative Assistant

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

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P R O C E E D I N G S

[OCTOBER 18, 2016]

CHAIRMAN EVANS: I'd like to go ahead
and call to order the October 18th meeting of the Franklin
County Planning and Zoning Commission.

Scottie, will you please take roll.

MS. EAGAN: Bill Evans?

CHAIRMAN EVANS: Here.

MS. EAGAN: Jay Schulteheinrich?

COMMISSIONER SCHULTEHENRICH: Here.

MS. EAGAN: Todd Boland?

COMMISSIONER BOLAND: Here.

MS. EAGAN: Tim Reinhold?

COMMISSIONER REINHOLD: Here.

MS. EAGAN: Ray Cunio?

COMMISSIONER CUNIO: Here.

MS. EAGAN: Tom Tobben?

COMMISSIONER TOBBEN: Here.

MS. EAGAN: Bill McLaren?

COMMISSIONER McLAREN: Here.

MS. EAGAN: Stan Voss?

COMMISSIONER VOSS: Here.

MS. EAGAN: Dan Haire?

COMMISSIONER HAIRE: Here.

MS. EAGAN: Russell McCreary?

1 COMMISSIONER McCREARY: Here.

2 MS. EAGAN: And, Ron Williams?

3 COMMISSIONER WILLIAMS: Here.

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

5 CHAIRMAN EVANS: Thank you.

6 At this time, I will give the Planning and
7 Zoning Commissioners the opportunity to declare any
8 conflict, communication or relationship they may have had
9 that might influence their ability to consider today's
10 issues impartially. [None]

11 If there are no declarations, Scottie, will you
12 please give us the presentation of the meeting procedures
13 and exhibits.

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

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

23 At this time, I would like to place into the
24 record these Regulations as Exhibit A, the official Zoning
25 Map as Exhibit B, the official Master Plan as Exhibit C, and

1 the case file for each case as Exhibit D for all the cases
2 to be heard at this hearing.

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

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

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

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

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

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

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

24 At the conclusion of all questions, comments,
25 and discussion concerning each case, the Planning Commission

1 will proceed. Any final decision by the Planning Commission
2 concerning conditional use permits may be appealed to the
3 Board of Zoning Adjustment any time within 90 days.

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

6 CHAIRMAN EVANS: Thank you.

7 All of the Commissioners should have received a
8 copy of the September 20th minutes. If there are no
9 additions or corrections, the Chair would entertain a motion
10 to approve.

11 COMMISSIONER SCHULTEHENRICH: Mr.
12 Chairman, I make a motion that we approve the minutes of the
13 September meeting.

14 COMMISSIONER McLAREN: Second.

15 CHAIRMAN EVANS: We have a motion and
16 a second to approve the minutes of the September 20th
17 meeting. All in favor signify by saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER CUNIO: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH: Aye.

3 COMMISSIONER McCREARY: Aye.

4 CHAIRMAN EVANS: Opposed? [None]

5 The minutes are approved.

6 Communications and Visitors Comments. Is there
7 anyone present wishing to address the Commission? [None]
8 No.

9 We'll move on to Old Business. We have none.
10 New Business. File 160204, Robert C. Muckler.
11 No public comment accepted.

12 Scottie, will you please give us the details.

13 MS. EAGAN: This is File 160204,
14 Robert Muckler.

15 The applicant requests to rezone one parcel
16 from Suburban Development to Non-Urban and Agricultural.

17 The property is located off of Highway 00,
18 approximately 3/10 mile north of Spring Valley Road, in
19 Boles Township.

20 The Facts: The total area for the rezoning is
21 approximately 30 acres.

22 The zoning of this property is Suburban
23 Development. The applicant would like to rezone to
24 Non-Urban and Agricultural.

25 And Number 3 does have a typo. It should read:

1 Non-Urban and Agricultural Zoning allows agricultural,
2 recreational, wildlife, forestry, open space, farming and
3 related uses to mix with low-density residential
4 development.

5 The properties around the proposed site are
6 zoned Suburban Development.

7 This property is approximately 1,000 feet north
8 of the city limits of Pacific.

9 This property is surrounded primarily by
10 low-density residential land and undeveloped land.

11 This property has access to Highway 00, which
12 is a State-maintained road.

13 The applicant is not the current owner of the
14 property, but they do have a contract to purchase with the
15 current owner.

16 This property is located within Public Water
17 Supply District No. 3 boundaries.

18 Staff Comments: The Future Land Use Map shows
19 this property as being non-urban.

20 Rezoning are allowed in our regulations due to
21 the ever-changing conditions that exist in the county and
22 elsewhere. According to Article 14, Section 321, any such
23 change must promote the health, safety, morals, comfort, and
24 general welfare of Franklin County by conserving and
25 protecting property and building values, by securing the

1 most economical use of land, and facilitating the adequate
2 provision of public improvements in accordance with the
3 Master Plan adopted by Franklin County.

4 CHAIRMAN EVANS: Thank you.

5 And I think the Commissioners will note in
6 their pack this the first time that we have the form that
7 includes justification for rezoning.

8 Is the applicant present?

9 MR. ROBERT MUCKLER: Yes, sir.

10 CHAIRMAN EVANS: Can you please step
11 forward. Will you please state your name and address and
12 sign in.

13 MR. MUCKLER: Yeah. Robert C.
14 Muckler, 838 Wesley Drive, Ballwin, Missouri 63011.

15 Shall I repeat or did you hear me?

16 CHAIRMAN EVANS: I think we all heard
17 you.

18 MR. MUCKLER: Okay. Thank you.

19 [Thereupon, the witness was sworn.]

20 CHAIRMAN EVANS: If you would go
21 ahead and just give us a little detail on what you're
22 proposing, why the rezoning.

23 MR. MUCKLER: So I'm going to -- I've
24 been a wedding planner for the last seven years. My wife's
25 the wedding photographer, and we've been looking for the

1 last couple of years to -- to create a wedding venue. And
2 we have been looking for about a year for a space, and we
3 came upon this property. And we don't really want to change
4 much about it. We want to leave a lot of the wooded area,
5 put some -- put a building up on the top and basically have
6 a wedding venue.

7 CHAIRMAN EVANS: Any questions from
8 the Commissioners? [None]

9 I would remind the Commissioners that when we
10 consider rezonings, that we have to consider all the
11 pertinent uses when changing a zoning district.

12 Any questions? [None]

13 Thank you.

14 MR. MUCKLER: Thank you.

15 CHAIRMAN EVANS: I'm sure all the
16 Commissioners have looked through the form that they've got.
17 Are there any comments or questions there?

18 COMMISSIONER McLAREN: I guess I'll
19 give it a try. You knew I would.

20 I really appreciate having the form. I think
21 it's a great thing to have, and to look at it, I think this
22 is a vast improvement over what we've been doing before, but
23 the critical thing as well -- else that you said, could be
24 put into this district.

25 Do we have the current -- I mean, are you able

1 to put the current zoning map up.

2 MS. EAGAN: I mean, I've got the
3 giant map. I don't -- we don't have it available tonight.

4 COMMISSIONER McLAREN: Okay. Do you
5 know what -- I mean, it's a long ways to -- to anything
6 besides Suburban Development from this -- this spot, isn't
7 it?

8 MS. EAGAN: Uh-huh.

9 COMMISSIONER McLAREN: So you know,
10 looking at -- looking at all the other uses and the fact
11 that it's -- that it's so far from Suburban Development, you
12 know, I personally have a little bit of a problem with the
13 rezoning. I mean, I understand what they're doing. I -- I
14 don't think that that's at all unacceptable, but I think the
15 other possibilities of what can be done once the property is
16 rezoned is maybe a difficult hurdle to achieve.

17 COMMISSIONER HAIRE: Agree.

18 CHAIRMAN EVANS: Any other comments,
19 questions?

20 COMMISSIONER SCHULTEHENRICH: I guess
21 I'm unclear a little bit on that, Bill.

22 You -- around here is not necessarily Suburban
23 Development but this piece of property of wanting it to be
24 changed to, okay. So there's nothing around it, but there
25 has the potential of being things around it that potentially

1 could be changed into Suburban Development at some future
2 time, I guess.

3 COMMISSIONER McLAREN: It's all zoned
4 Suburban Development.

5 COMMISSIONER SCHULTEHENRICH: Oh, it
6 is zoned Suburban Development.

7 COMMISSIONER McLAREN: That's why I
8 asked for the map. The zoning of this property -- and I'm
9 going to make a really uneducated guess, but I would say
10 it's probably three miles, two miles, to the next closest
11 piece that's not zoned Suburban Development.

12 COMMISSIONER SCHULTEHENRICH: Okay.
13 Okay.

14 COMMISSIONER McLAREN: And the blue
15 that's Community Development, correct?

16 MS. EAGAN: Uh-huh.

17 COMMISSIONER McLAREN: And the white
18 is the corporate city limits of Pacific?

19 MS. EAGAN: Yeah, with the dots in
20 it.

21 COMMISSIONER SCHULTEHENRICH: Well,
22 that's -- that's the concern of changing it back to
23 Agricultural primarily.

24 COMMISSIONER McLAREN: Well, as you
25 know, when we've done that before, we had something that was

1 close to that. I mean, we did that a couple of months ago,
2 but it touched an Agricultural District. So I mean, we're
3 -- we're a long ways from touching anything that's
4 agricultural on that map.

5 And when you look at what's permitted in the
6 Agricultural District, I mean, that's been zoned Suburban
7 Development for years, and I've -- you know, I've said
8 multiple times I don't know that it's zoned right, but
9 that's the zoning that's there.

10 And you know, I've also argued that these --
11 these event centers should be allowed in Suburban
12 Development with a CUP, but that's not what it is right now.

13 COMMISSIONER REINHOLD: But if I'm
14 understanding right, they're going to rezone this to
15 Agriculture, then they're going to come back and get a CUP?

16 COMMISSIONER McLAREN: That would be
17 the way it would have to go, yeah.

18 COMMISSIONER REINHOLD: Right. So
19 all we're doing is running it back to Agricultural, which it
20 probably was at one time.

21 COMMISSIONER McLAREN: Well, it was
22 Agricultural before there was planning and zoning, but it --
23 I mean, it was immediately zoned Suburban Development when
24 it was zoned, and it has been that way for 20 -- how many
25 years, 28 years?

1 COMMISSIONER HAIRE: My concern if
2 you look at all the permitted uses under Agricultural and
3 you put that right in the middle of that Suburban District,
4 you'll have some problems with some permitted uses under
5 that category.

6 COMMISSIONER REINHOLD: Without a
7 Conditional Use Permit?

8 COMMISSIONER HAIRE: I mean, Bill,
9 the point is, you know, if this had a Conditional Use
10 Permit, it would be an easier decision, but it doesn't.

11 COMMISSIONER REINHOLD: It will have
12 though.

13 COMMISSIONER McLAREN: Only if it's
14 rezoned. Right now it's not -- the zoning's not -- it's not
15 allowed in that zoning.

16 COMMISSIONER HAIRE: Uh-huh.

17 CHAIRMAN EVANS: Right. He has to
18 rezone, then request a CUP for it. And again, reminding
19 Commissioners that we are making a recommendation to the
20 County Commission, who will hold the public hearing. So
21 this is a recommendation.

22 COMMISSIONER HAIRE: Let's say he
23 sells the property in four or five years, and you -- any
24 permitted in that Non-Urban Agricultural is allowed then.
25 And there's quite a bit of things in that category that we

1 wouldn't want at that point located so close in a Suburban
2 District.

3 MS. EAGAN: You know, one thing you
4 guys also want to maybe look at is when this was zoned, was
5 that the correct zoning that the County gave it in the first
6 place. Just because it was zoned that, doesn't mean you
7 guys think it's a hundred percent accurate zoning of that
8 district.

9 So there wide ranges of things you are looking
10 at, and I'm glad you guys are looking at all of them, but
11 just don't forget to look at some things and you're focusing
12 on others.

13 COMMISSIONER HAIRE: Like I said,
14 Bill's point, if we were putting it next to another
15 Non-Urban Agricultural, that would be fine, but we're
16 putting a 30-acre plot right in the middle of it.

17 COMMISSIONER REINHOLD: I guess my --
18 the way I look at those, the use of all that ground around
19 there, most of it's agriculture still. They're still using
20 it for agricultural.

21 COMMISSIONER McLAREN: Well, it's --
22 it's -- some of it's being used as agriculture because, you
23 know, there would a gas station up at 00 and 100, I can tell
24 you right now if it was such that it could be zoned to have
25 a gas station there. There's no doubt in my mind that there

1 would be a convenience store and gas station at 00 and 100
2 right now. So if we need to address that, I think that's a
3 great thing, but part of the reason -- there's two reasons
4 it's stayed like this. It's been in, you know, a handful of
5 families, and it's been zoned so some of the things that,
6 commercial development, that people wouldn't want to do is
7 not permitted and has not been permitted for 25 years plus.

8 I mean, we have been having the same discussion
9 for -- for several months now that, you know, some of us
10 don't think the zoning is correct, but spot zoning and
11 everything is not the correct to do it either.

12 CHAIRMAN EVANS: You know, Scottie, I
13 think you mentioned in here, in the Future Land Use map,
14 does this show as going NUA?

15 MS. EAGAN: Non-Urban.

16 CHAIRMAN EVANS: Would that whole
17 area?

18 MS. EAGAN: Yeah. Nichole has it
19 pulled up behind you.

20 COMMISSIONER McLAREN: Not to muddy
21 the waters, but could you put the current land use map up.

22 MS. EAGAN: If I remember, this is
23 like five years old.

24 COMMISSIONER McLAREN: Okay. This is
25 a muddy water question, but I sat and looked at this map.

1 I'm just curious, where did all the yellow go that's
2 people's houses right now? Are we into the division of the
3 wilds or what do you call that? Agenda 21. I mean, there's
4 yellow there that's all going away with future land use.
5 Why are we taking yellow houses and development away and
6 turning it into green --

7 MS. EAGAN: It doesn't mean it's
8 going away.

9 COMMISSIONER McLAREN: -- when we
10 expect it to grow?

11 MS. EAGAN: Homes are allowed in
12 Non-Urban and Agricultural.

13 COMMISSIONER McLAREN: I understand
14 that, but we're showing -- we're using a map that is showing
15 the future is green when what we're saying right now we have
16 yellow, and I don't understand how we got from the yellow to
17 the green, we went to the wild lands or whatever.

18 MS. EAGAN: I think yellow was -- can
19 you scroll over, Nichole. Never mind.

20 Because I think on the Future Land Use map
21 Non-Urban is lot sizes of five acres or more, I want to say,
22 and then yellow was anything between three and five. Less
23 than three. Okay.

24 So Non-Urban is agricultural lots over three.
25 Medium-density residential lots less than three acres. So

1 we're not saying that it's just agricultural uses in that
2 district. It's agricultural and larger lot developments.

3 That's what the green is on the Future Land Use
4 map.

5 COMMISSIONER WILLIAMS: I think part
6 of the confusion is your Future Land Use map does not show
7 actual zoning categories like you have in your current
8 zoning map. It's meant to be a broad-brush stroke --

9 MS. EAGAN: Right.

10 COMMISSIONER WILLIAMS: -- of what is
11 considered is the best uses in that area or best land use in
12 that area.

13 MS. EAGAN: Right.

14 COMMISSIONER HAIRE: Okay. My
15 question is there are some small subdivisions already in
16 that area. If you redid it to that, you can literally put
17 up, you know, a packing plant right next to them.

18 MS. EAGAN: Where?

19 COMMISSIONER HAIRE: In some of the
20 development. We've turned that all green to where it is
21 yellow now, and there's several small little, you know, 35
22 to 40 home developments in that area.

23 COMMISSIONER BOLAND: You're saying
24 if it's rezoned?

25 COMMISSIONER HAIRE: Rezoned.

1 CHAIRMAN EVANS: And I think Ron's
2 point is that that's a view of what we think that that
3 future land use could be in that area, but it's not. We're
4 not going to have a broad-brush rezoning of an entire -- the
5 entire county.

6 Would that be correct?

7 COMMISSIONER McLAREN: Well, it looks
8 like should just zone the entire county Non-Urban and
9 Agriculture just do it one at a time as we come in here.

10 MS. EAGAN: I mean, just because it
11 says Non-Urban doesn't mean that's going to be the only
12 zoning district in that area. There could be three
13 different zoning districts in the green, one is a larger lot
14 residential, one is strictly an agricultural, and one is a
15 mixed of agricultural and residential.

16 I mean, we haven't gotten to that phase yet of
17 rezoning. We're working on it, but we're not quite there.
18 So I can tell you, yes, we're going to have three different
19 zoning districts in that green area. But what we see the
20 green area as being more of your agricultural type
21 activities and your larger lot developments, rather than
22 your higher density less than three acres development.

23 CHAIRMAN EVANS: Okay. So what we're
24 left to deal with here is this particular case. Again, the
25 future land use is something to look at, but in making a

1 decision in this file, we have to base it on the -- the
2 facts that we have here.

3 Again, this is a recommendation to the County
4 Commission, who will have the public hearing and make the
5 final decision.

6 Any further discussion? [None] Anyone care to
7 make a motion?

8 COMMISSIONER REINHOLD: So I guess
9 what I'm saying, if we're going to say -- to approve it to
10 go to the Commission, are we saying that we agree that it
11 can be changed to go back to -- from SD to Non-Urban? But
12 they'll still have to come back for a Conditional Use Permit
13 if they want to put anything in there, except if they have
14 something to do with agriculture.

15 If they want to plant corn there or if they
16 want to do anything like that, they can do it. If they want
17 to have a pig farm there, they can do it.

18 CHAIRMAN EVANS: Right, after they
19 get the rezoning done, --

20 COMMISSIONER REINHOLD: Right.

21 CHAIRMAN EVANS: -- he doesn't have
22 to come back for a CUP. He can decide --

23 COMMISSIONER REINHOLD: But if he
24 wants to put in an event center --

25 CHAIRMAN EVANS: Right.

1 COMMISSIONER REINHOLD: -- or a gas
2 station or anything like that, they got to come back and get
3 a Conditional Use Permit.

4 CHAIRMAN EVANS: Right, any permitted
5 use under UNA. So...

6 COMMISSIONER REINHOLD: I don't see a
7 big deal with it. I'll -- I'll make a motion to -- to
8 change it.

9 CHAIRMAN EVANS: I think we may have
10 to move it to Old Business first.

11 COMMISSIONER REINHOLD: Okay.

12 COMMISSIONER BOLAND: Tim, but what
13 you're doing is, when we do that, as everybody is saying, I
14 mean, we open a -- I mean, I know it has to go back, you
15 know, but everything in that zoning then is possible like
16 you're saying. I mean, there's a lot of things in the --

17 COMMISSIONER REINHOLD: But if you
18 look at the map, almost 90 percent of everything is
19 agriculture.

20 COMMISSIONER WILLIAMS: That's not
21 what the zoning is. The zoning is Suburban Development. So
22 what you're doing if you rezone it is opening up to the --

23 COMMISSIONER REINHOLD: But if you
24 look at the map --

25 COMMISSIONER WILLIAMS: -- 38 -- 38

1 uses that can go in there without a Conditional Use Permit.

2 COMMISSIONER REINHOLD: But the new
3 map -- if you see the new map that's supposed to be coming
4 out, it's going to be changed anyway. Right?

5 COMMISSIONER WILLIAMS: No, not
6 necessarily. Why would it be changed?

7 COMMISSIONER REINHOLD: Can you put
8 that map back up that there's --

9 MS. ZIELKE: Future or now?

10 COMMISSIONER REINHOLD: The future,
11 yeah.

12 MS. EAGAN: That doesn't necessarily
13 mean that's what it's going to be.

14 COMMISSIONER REINHOLD: Okay.

15 MS. EAGAN: That was a map to help
16 guide development for the future --

17 COMMISSIONER REINHOLD: Okay.

18 MS. EAGAN: -- when you do look at
19 rezoning.

20 COMMISSIONER REINHOLD: Okay. That's
21 what I was looking for, because I said I didn't understand
22 why we would --

23 MS. EAGAN: But that's not a definite
24 map.

25 COMMISSIONER REINHOLD: Okay.

1 COMMISSIONER SCHULTEHENRICH: Yeah.
2 Of all the parcels that are zoned SD, I'm not sure is
3 actually being under compliance with SD under our -- under
4 our Code, under our -- what we're allowing to be in there.
5 Do we know?

6 MS. EAGAN: I mean --

7 COMMISSIONER SCHULTEHENRICH: Are
8 they most -- most of it is being used, I understand, now for
9 agriculture, and that's what it looks like. I'm not sure I
10 see the subdivisions, Dan, that you were referring to, but
11 maybe I missed it someplace.

12 COMMISSIONER HAIRE: There are some
13 in there.

14 COMMISSIONER SCHULTEHENRICH: Are
15 they -- are they along Highway 00 --

16 COMMISSIONER HAIRE: Couple of them
17 were up a little further though up toward 100 is where most
18 of them are at.

19 COMMISSIONER SCHULTEHENRICH: This
20 one is outside, just outside, of Pacific, I guess is the way
21 I'm understanding in here.

22 MS. EAGAN: About a thousand feet
23 more to the city limits.

24 COMMISSIONER REINHOLD: There's some.

25 COMMISSIONER McLAREN: What's

1 happened is somewhere two years ago, if I'm correct or
2 incorrect, please correct me -- we changed permitted uses on
3 what was going to happen.

4 So now the one that's up on OO and 100 couldn't
5 be built without a rezoning. Isn't that the way it is?

6 MS. EAGAN: An event center?

7 COMMISSIONER McLAREN: Yes.

8 MS. EAGAN: Correct.

9 COMMISSIONER McLAREN: So that one
10 was in before we had a different list of what was permitted.

11 MS. EAGAN: It wasn't permitted.

12 COMMISSIONER McLAREN: Or what was a
13 CU -- I'm sorry -- could be a Conditional Use Permit in
14 Suburban Development now. That's changed. So that's been
15 the argument I've been making for several months. It's
16 actually back in that zoning district as a permitted use
17 instead -- or a condition use -- I'm sorry -- a conditional
18 use instead of rezoning it to do that.

19 That's my objection, is we're rezoning
20 something that two years ago was a conditional use.

21 COMMISSIONER SCHULTEHENRICH: But the
22 only option that this individual has right now if it's not
23 rezoned, is basically is not to build that, what he wishes
24 to build or wishes to use the property for. Correct?

25 COMMISSIONER McLAREN: That's

1 correct, but like I said, I -- I think we may have -- I'm
2 not going to say that. I think that it was better when we
3 had it that it could be a conditional use permit in the
4 district as opposed to rezoning stuff to do this.

5 I -- I think -- I think, you know, it's been a
6 mistake some of the rezonings we've done because we've
7 changed the condition of what -- what's possible to do. So
8 this is the third one that's been in a Suburban Development
9 district that's had an issue.

10 CHAIRMAN EVANS: All right. I guess
11 we're still looking for a motion to move this to Old
12 Business where we can take action on it.

13 COMMISSIONER REINHOLD: I'll make a
14 motion to move it to Old Business.

15 COMMISSIONER BOLAND: Second.

16 CHAIRMAN EVANS: We have a motion and
17 second to move File 160204 to Old Business. All in favor
18 signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER CUNIO: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH: Aye.

3 COMMISSIONER McCREARY: Aye.

4 CHAIRMAN EVANS: Opposed?

5 COMMISSIONER McLAREN: No.

6 CHAIRMAN EVANS: Okay. Moving back

7 to Old Business now, we're again on File 160204. Any

8 other discussion?

9 MS. EAGAN: I can ask a random
10 question? I don't have my By-Laws on me, but if it's not a
11 unanimous to go to Old Business, doesn't it have to go to
12 Review Committee?

13 CHAIRMAN EVANS: I think you're
14 correct.

15 COMMISSIONER McCREARY: Did somebody
16 say no?

17 COMMISSIONER McLAREN: [Raised hand.]

18 COMMISSIONER McCREARY: Yeah. You're
19 right, Scottie.

20 CHAIRMAN EVANS: I'm looking, but
21 you're correct.

22 COMMISSIONER McCREARY: Yeah.

23 CHAIRMAN EVANS: So File 160204 will
24 be sent to Review Committee, who will look at it, and then
25 it'll be on the agenda for next month with a recommendation.

1 Thank you, Scottie, for pointing that out.

2 Preliminary Plats. File 160186, Erick Vessels.

3 Only written comments from the public may be submitted. No
4 oral testimony will be accepted.

5 Scottie, will you please give us the details.

6 MS. EAGAN: This is File 160186 for
7 Eric Vessels.

8 The applicant wishes to create a 40-lot, 0-lot
9 line major subdivision in the Commercial Activity 3,
10 Community Business Zoning District.

11 The property is located off of Osage Villa
12 Court, approximately 300 feet north of Highway AT in Boles
13 Township.

14 The Facts: The property is approximately 10.03
15 acres in size.

16 This property is located in the Commercial
17 Activity 3, Community Business Zoning District.

18 The minimum lot size is 22,000 square feet in
19 this zoning district with maximum density of one dwelling
20 unit per 5,000 square feet.

21 With zero lot line developments, the lots are
22 allowed to be less than the minimum acreage for the zoning
23 district as long as the development does not exceed the
24 maximum density for the zoning district. The density of
25 this development is approximately one dwelling unit per

1 11,000 square feet.

2 The applicant states that water service will be
3 provided by Water District 3, and sewer service will be
4 privately maintained.

5 With a development this size, the applicant is
6 supposed to offer 10 percent open space dedication. This
7 development does meet the County's open space requirement.

8 As far as I'm aware, nothing has been submitted
9 regarding stormwater on this site.

10 The plat shows all roads and rights-of-ways
11 meeting the standards set forth in the Franklin County
12 Regulations.

13 All utilities shall be located underground.
14 The preliminary plat indicates that all electric, telephone,
15 cable and other distribution lines will be placed
16 underground.

17 The land disturbance permits from DNR is
18 required to disturb more than one acre of land, as well as
19 erosion control during development.

20 Because of the size of the development, the
21 applicant shall provide fire protection in accordance with
22 Article 8, Section 175. Because this development is located
23 within Boles Fire Protection District, they will be required
24 to meet the standards of that district.

25 Staff Comments: Engineered drawings to be

1 reviewed by Franklin County should be submitted before final
2 approval.

3 Correspondence regarding fire protection, sewer
4 service capacity and water services has been received, and
5 is in compliance with the Franklin County Land Use
6 Regulations.

7 Any improvements will need to be complete or
8 escrowed prior to recording the final plat.

9 Planning and Zoning shall receive a new and
10 updated sewer permit prior to recording the final plat. The
11 preliminary plat states the present zoning is CA3 and a
12 proposed zoning of RD2. Planning and Zoning is not aware of
13 a proposed zoning change. If this is accurate, the
14 preliminary plat should not be approved until a request for
15 a zoning change is filed.

16 If this is inaccurate, the applicant should
17 submit a preliminary plat with that note.

18 Per Article 8, Section 173(e)(3), if a
19 development has 30 to 49 units, an emergency access road
20 shall be required.

21 Lot 18 as shown shows a single-family dwelling
22 lot that is below the minimum of 22,000 square feet for this
23 zoning district. In order to keep Lot 18 as a part of the
24 plan, the applicant will either need to increase the lot
25 size to 22,000 square feet or adjust the lot to make a

1 duplex work.

2 And I did send some of my comments to the
3 applicant, and I think they have a new plat for you guys to
4 view tonight with some of those changes on it.

5 CHAIRMAN EVANS: Okay, thank you.

6 Now we have approved the preliminary plat and
7 the final plat as approved by the Planning Director.

8 Is the applicant present? Could you state your
9 name and address and sign in, please.

10 MR. GABE DuBOIS: Yes, my name is
11 Gabe Dubois. I'm with THD Design Group. I'm here this
12 evening on behalf of Villa Ridge Investments and E404
13 Construction. Our address is 148 Chesterfield Industrial
14 Boulevard, Suite E, Chesterfield, Missouri 6300.

15 I do have a revised plan.

16 [Thereupon, the witness was sworn.]

17 MS. EAGAN: Do you want me to hand
18 them out?

19 MR. DuBOIS: Yes, if you would,
20 please.

21 As some of you may be aware, this is the failed
22 Osage Villas development off of Highway AT originally
23 proposed with a total of 53 units. I believe there were 13
24 four-plexes proposed to go in there. One of them was built
25 at the beginning of the development, and that's the

1 infrastructure was put in for the remainder of it, but only
2 one of the four-plexes actually was constructed. So what
3 Villa Ridge Investments has done is picked up the property
4 and proposed to build the rest of it out.

5 There are some minor adjustments to the
6 infrastructure that's been completed previously to make it
7 work with the villas that we're proposing. But -- but
8 nothing that's requiring any major changes to the -- to the
9 layout or the infrastructure. There's some minor service
10 tap relocations and whatnot.

11 As you'll see from your plan, we're currently
12 proposing the 39 units, as noted, as Scottie noted. There
13 are 20 lots. Nineteen of those have an A and a B. The
14 intent is for these to be fee-simple units, and then one of
15 the lots there was not room for the footprint for the Villa.
16 So we used a single-family unit. As Scottie pointed out in
17 the review, that single-family unit was looked at as its own
18 development for planning purposes. So we did revise that
19 lot. You'll see Lot 18 on your handouts is different from
20 what was previously submitted, and it meets the 22,000
21 square foot minimum.

22 There was a couple of points that Scottie
23 pointed out. The zoning note that was left over from
24 previous discussions was errant, and has been removed on the
25 plan that you received and a plan, an updated plan, that was

1 e-mailed to Scottie.

2 And then there was a comment about the fire
3 district approval. We have been in contact with the Boles
4 Fire District Chief James Casey, and he did issue a letter
5 approving the development with no-parking signs on one side
6 of the street. We did receive that letter late this
7 afternoon. I forwarded it to Scottie later on after we
8 received it. I have copies if anybody wants to see it.
9 It's pretty standard issue.

10 These units, as you see in your handouts there,
11 they are coming in with the price point of about 149 on
12 these lots. They believe that this product will do quite
13 well. Originally was hoping to do all single-family units,
14 but the zoning code doesn't allow it, and we'll go forward
15 with the -- the duplex units with the connection in the back
16 as you see.

17 They are planning on starting up front. There
18 is currently a loan in place for the land improvements to go
19 ahead and modify the ones that need to be completed. The
20 front half of the property has minor relocations of
21 utilities. They plan on knocking that down in about the
22 next 12 months after approval. And then moving to the other
23 side of the creek and then finishing out in about another 12
24 months.

25 There was a note about meeting stormwater

1 management requirements. I've spoken with Mr. Williams,
2 with the -- with your County, and we are aware of the
3 requirements of Article 20, and plan to fully comply with
4 those during the improvement plan process stormwater
5 detention and then any sediment and erosion control and
6 would obtain the necessary land disturbance permits with DNR
7 also.

8 I'd be happy to answer any questions anyone
9 has.

10 CHAIRMAN EVANS: Any questions from
11 the Commissioners? [None]

12 Scottie, I would say on the preliminary plat we
13 basically have a checklist of requirements, and we have
14 pretty much everything. Do you see anything else that would
15 be deficient?

16 MS. EAGAN: All my notes were in the
17 staff report, and they have addressed all of them.

18 CHAIRMAN EVANS: So what's still
19 required would be stormwater plan?

20 COMMISSIONER WILLIAMS: Stormwater
21 detention. I've talked to Mr. DuBois just today indicated
22 with the preliminary plat, they haven't fully designed that
23 as of yet. But they -- it will be required and he's aware
24 of our requirements in Article 20. And they intend to fully
25 comply with them.

1 MR. DuBOIS: That is correct.

2 COMMISSIONER WILLIAMS: And if not --
3 if they don't, I won't sign off on it. It needs to be
4 signed off by the County.

5 CHAIRMAN EVANS: So that would be the
6 one contingency that we would include in our approval of
7 this preliminary plat. Russell?

8 COMMISSIONER McCREARY: Yeah, I have
9 a question.

10 MR. DuBOIS: Yes, sir.

11 COMMISSIONER McCREARY: The plat you
12 just submitted, is there any difference between outside of
13 Lot 18, I see you've made that, I guess, to comply to the
14 22,000 square foot?

15 MR. DuBOIS: Correct. Lot 18 was
16 adjusted.

17 COMMISSIONER McCREARY: What is the
18 difference between these two?

19 MR. DuBOIS: The density notes under
20 the development notes were modified to reflect that change
21 for Lot 18, and then the --

22 COMMISSIONER McCREARY: Okay.

23 MR. DuBOIS: -- proposed zoning
24 reference was from there. Those are the only changes.

25 COMMISSIONER McCREARY: Okay. That

1 was --

2 COMMISSIONER McLAREN: That's Item 8.

3 COMMISSIONER McCREARY: That is 5 in
4 the staff -- Item 5 in the staff comments, is that what
5 you're referring to the zoning?

6 MR. DuBOIS: Yes, sir.

7 MS. EAGAN: Uh-huh.

8 COMMISSIONER McCREARY: Okay. All
9 right. Thank you.

10 CHAIRMAN EVANS: Any other questions
11 or comments?

12 COMMISSIONER McLAREN: I've got a
13 comment that's not -- it's not very important because you've
14 addressed part of it. But it's on the development notes on
15 the plat. In Item 9, you've got Villa Ridge Fire Protection
16 District, and it's obviously Boles.

17 MR. DuBOIS: Boles.

18 COMMISSIONER McLAREN: And you've got
19 it as a Villa Ridge District, and it's Meramec Valley.

20 MR. DuBOIS: We will get those
21 adjustments made on the plan. Thank you for pointing that
22 out.

23 COMMISSIONER BOLAND: Scottie?

24 MS. EAGAN: Yes.

25 COMMISSIONER BOLAND: My question is

1 with Number 6 back to what the development. The applicant
2 is supposed to offer 10 percent. Is it supposed to or...

3 MS. EAGAN: That's what our Code
4 says, that they're supposed to offer 10 percent, but they
5 did more.

6 MR. DuBOIS: I believe we have 16
7 percent in that plant, if I'm not mistaken.

8 COMMISSIONER BOLAND: Yeah, I'm
9 sorry. Sixteen.

10 MS. EAGAN: Yeah.

11 COMMISSIONER BOLAND: Does that
12 include the detention pond?

13 MR. DuBOIS: Yes, Common Ground A and
14 Common Ground B.

15 MS. EAGAN: And that's allowed.

16 COMMISSIONER BOLAND: So I'm just
17 curious. How's that allowed?

18 MS. EAGAN: When we -- when they
19 redid the Code originally, stormwater detention and
20 retention were both allowed under open space requirements.

21 COMMISSIONER BOLAND: So the common
22 ground is a mud hole?

23 MS. EAGAN: Essentially.

24 CHAIRMAN EVANS: But by regulation,
25 it's allowed.

1 MR. DuBOIS: It is compliant, and I'd
2 like --

3 COMMISSIONER BOLAND: I understand
4 that.

5 MR. DuBOIS: Yeah.

6 COMMISSIONER BOLAND: I didn't want
7 to interrupt you. I understand that. I'm just baffled by
8 it.

9 MR. DuBOIS: I understand.

10 COMMISSIONER BOLAND: Because every
11 detention pond I see is not maintained.

12 MR. DuBOIS: Right.

13 COMMISSIONER BOLAND: You know, you
14 see them all the time too.

15 MR. DuBOIS: Oh, I do. I do.

16 COMMISSIONER BOLAND: I -- I know.

17 MR. DuBOIS: If it makes you feel any
18 better, I would think that this detention pond is probably
19 about 6 percent of the ground which would get you to your 10
20 percent required. So --

21 COMMISSIONER BOLAND: Yeah.

22 MR. DuBOIS: But I understand your
23 concern, absolutely.

24 CHAIRMAN EVANS: Any other questions,
25 comments? [None]

1 Thank you.

2 MR. DuBOIS: Thank you.

3 CHAIRMAN EVANS: If there is no other
4 discussion or comments, the Chair would entertain a motion.
5 Anyone care to make a motion?

6 COMMISSIONER SCHULTEHENRICH: Mr.
7 Chairman, I'll make a motion that we recommend to the County
8 Council or to the County Commissioners that we would grant
9 -- that we would give a preliminary approval for the
10 preliminary plats here, or give approval to the preliminary
11 plats as proposed.

12 CHAIRMAN EVANS: Did you want to
13 include the contingency that the stormwater --

14 COMMISSIONER SCHULTEHENRICH: Yes.

15 CHAIRMAN EVANS: -- plan be included?

16 COMMISSIONER SCHULTEHENRICH: The
17 stormwater should be included to meet the guidelines or the
18 regulations established within the Code.

19 MS. EAGAN: It doesn't go to the
20 County Commission.

21 CHAIRMAN EVANS: That's right.

22 COMMISSIONER SCHULTEHENRICH: Oh, it
23 doesn't? Sorry.

24 CHAIRMAN EVANS: It's we give the
25 preliminary approval, and then everything would go to

1 Scottie.

2 MS. EAGAN: Right.

3 CHAIRMAN EVANS: And the department
4 would approve it. So this does not go to the Commission.

5 MS. EAGAN: Just wanted to clarify
6 your motion.

7 COMMISSIONER SCHULTEHENRICH:
8 Appreciate that because I'm stepping ahead of myself.

9 COMMISSIONER McLAREN: That's the
10 correct procedure we've done?

11 MS. EAGAN: Uh-huh.

12 COMMISSIONER McLAREN: Okay. I'll
13 second the motion.

14 CHAIRMAN EVANS: Okay. We have a
15 motion and a second to approve File 160186 with the
16 contingency to include the completed stormwater plan. Would
17 that wording be good enough?

18 COMMISSIONER WILLIAMS: Uh-huh.

19 CHAIRMAN EVANS: All in favor signify
20 by saying aye.

21 COMMISSIONER REINHOLD: Aye.

22 COMMISSIONER VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER CUNIO: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.

2 COMMISSIONER BOLAND: Aye.

3 COMMISSIONER HAIRE: Aye.

4 COMMISSIONER TOBBEN: Aye.

5 COMMISSIONER SCHULTEHENRICH: Aye.

6 COMMISSIONER McCREARY: Aye.

7 CHAIRMAN EVANS: Opposed? [None]

8 The motion is carried. File 160186 approved.

9 MR. DuBOIS: Thank you very much. We
10 appreciate your time.

11 CHAIRMAN EVANS: Sure. Thank you.

12 MS. EAGAN: You guys are good.

13 CHAIRMAN EVANS: Planning and Zoning
14 Commission Forum. Discussion regarding Article 7 and
15 related definitions.

16 MS. EAGAN: I gave you guys some
17 definitions based upon what we discussed about last month.
18 I still struggle with this one because Bill and I obviously
19 disagree on our thoughts of where things should be. But one
20 thing I thought of potentially another option we could look
21 at. And I talked with Mark before I came in here, and he
22 said it's a possibility, is kind of leaving it where it is
23 in terms of permitted and conditional in our Article 7, and
24 saying it's permitted, you know, per Article 10, Section
25 whatever, and we do a new set of regulations in Article 10

1 that could then put your stipulations of how many people you
2 want there, what time they have to be over, what the parking
3 requirements have to be.

4 So kind of what we did for utility waste
5 management, just not on that level, just have a
6 supplementary regulation to this part of the Code.

7 So you guys feel free to discuss and decide
8 what you want to do.

9 CHAIRMAN EVANS: I think I like --
10 kind of like the idea of putting it in a separate --
11 separate with requirements. That would be consistent. I
12 think that has been part of the issue before, is the
13 consistency on the different venues.

14 COMMISSIONER McLAREN: Well, I'm
15 going to start off. You know I led a lot of this discussion
16 last month, and I'm going to start off by apologizing. I
17 had spent the day in the emergency room that day, and I
18 probably shouldn't have been here that night. So my thought
19 patterns were not very clear, and I sincerely apologize to
20 everybody here, first of all. My patterns were not working
21 well that night.

22 But I think once again, you know, today is a
23 good example that, you know, we've got more than a couple of
24 things going on that are wrong here. I mean, we're once
25 again, the one I voted no to that it would have been a CUP

1 two years ago that we could have approved. Instead of
2 approving that CUP, we're doing a rezoning.

3 So I think the definitions are one thing, but
4 you know, I think, you know, I was here two years ago. I
5 was part of making that mistake two years ago. Now we're
6 rezoning property instead of just giving them a conditional
7 use to the property that's there.

8 This is the third time, and I don't think it's
9 proper to rezone something when we should have a Conditional
10 Use Permit to make it acceptable. It's a lot less onerous
11 to do a Conditional Use Permit than it is to -- and we get a
12 chance to make comments and whatever. You know, this one we
13 still have an opportunity to do a Conditional Use Permit.
14 But one of the other ones we did, we zoned it to something
15 we had no ability to -- to make any conditional use permit.
16 And they could have asked for the same thing. They could
17 have asked to be zoned to a commercial district to where we
18 didn't have the ability to make -- make any comments.

19 So I really think we made a mistake two years
20 ago when we changed what was allowed in Suburban
21 Development. I -- I think that's issue number one. I think
22 the definitions are great, because I think there's a big
23 difference on -- I mean, I -- I see -- I see somebody suing
24 the County over special use permits -- or not special --
25 special events, occasional and periodic. You know, I think

1 on special events, periodic anymore. But it's -- you know, I
2 guess the goal is to have enough latitude to be able to say
3 okay, we can do this or we can't do this.

4 I mean, to me there needs to be a little bit of
5 black and white here, and special events, periodic and
6 special events, occasional and special events, indoor in a
7 -- or a defined facility, you know, I'm not comfortable with
8 this at all. I really am not, and I'm really uncomfortable
9 with rezoning property when a few years ago we could have
10 done a CUP, made comments, not had to rezone something, not
11 have to be permanent that's going to follow that piece of
12 property.

13 I'm not against what the people want to do.
14 I'm not against that at all. You know, we may rezone this
15 property and they never close on it. And now we've rezoned
16 it, and something's going to be there that we're really
17 uncomfortable with. And we've done that two other times.
18 At least, the other times we had a piece of property and
19 used it, a zoning district that was there. You know, we
20 didn't go this far to get a zoning district that makes it
21 work, and there's nothing wrong with -- my personal opinion,
22 there's nothing wrong with what they want to do there.

23 It's just the fact that I think it's not
24 correct to rezone it when two years ago we had a standard
25 that we could not CUP. That's what the biggest part of my

1 conversation is about, you know, but I think that, you know,
2 looking at the future land use doesn't really lead us to a
3 place that we can make an intelligent decision. And I guess
4 I've been in the emergency room again today. I'm wandering.
5 You know, my mind is going in too many different places, but
6 I am really uncomfortable that we're rezoning property for
7 -- for one thing over and over and over again.

8 And I think, you know, I don't know who "they"
9 is. Obviously when they redid something a few years back we
10 made the ability to have retention ponds be common ground.
11 So there's a "they" living out there that we've made some
12 mistakes, and we should figure out how to fix them instead
13 of keeping on making them.

14 COMMISSIONER HAIRE: That's a common
15 thought. I know I was over in another county, and it's the
16 same way. I mean, you don't have to. Usually during, you
17 know, the developments where there's homeowners
18 associations, so there's a desire to keep property values
19 up. I mean, the one I lived at Lake Chesterfield, we lost
20 the lake. You know, all that basically the lake was a
21 retention pond. So we really didn't have to put -- we
22 didn't have to fix it. I mean, by -- but it would look
23 terrible.

24 COMMISSIONER McLAREN: Right.

25 COMMISSIONER HAIRE: But you're

1 right, and that's, you know. I mean, it's an issue and
2 something that has to be evaluated.

3 But to go back to your other point. I think
4 for years we've -- when we looked at it, it sounded great.
5 But I have to agree with Bill. This category is not going
6 to go away. It's going to continue to be people putting in.

7 I think we probably need to look at a
8 conditional use permit in a couple of the districts to see
9 if it makes sense because I would -- if this was a
10 conditional use where it's located at in the suburban, if we
11 could do it, I would approve it. I have to agree with you.
12 I wouldn't have a problem with it.

13 But I have a hard time putting -- changing the
14 zoning for this area knowing the areas all around it.

15 COMMISSIONER McCREARY: It seems to
16 me that there's two possible ways to approach this if we as
17 a body want to do something. Either A, make more zoning
18 districts with less permissible uses, or keep the zoning
19 districts we have and attach conditional use permits as
20 opposed permitted uses on these districts.

21 Either way, every use that's in here we should
22 look at and decide well, you know what, maybe this should go
23 in that district that we already have permitted or not, you
24 know, conditional use.

25 But yeah, I mean, I -- I agree with you, and I

1 think Mark pointed out that you're going to see a lot more
2 zoning because it's the easier way to go if we can get it
3 changed this. Who cares? I mean -- and I don't know,
4 Scottie, or can somebody tell me if we did approve this 30
5 acres tonight, could they cut off 5 acres and say, hey, we
6 want a convenience store on that 5 acres or would they have
7 to --

8 MS. EAGAN: They have to get a
9 Conditional Use Permit.

10 COMMISSIONER McCREARY: I mean, once
11 -- once the whole 30 acres --

12 COMMISSIONER HAIRE: That's a
13 conditional use.

14 COMMISSIONER TOBBEN: That's
15 permitted.

16 MS. EAGAN: Oh, it's not, it's
17 permitted then?

18 COMMISSIONER McCREARY: No, that's
19 the thing, but I mean, they -- they could, okay, we got our
20 wedding venue, and now you know what we want, we want to
21 open a convenience store right here, and it's permitted
22 under what we were -- you know, what they asked for.

23 There's no way to stop that, is there? They
24 can just come in and say, you know what, we're going to
25 carve off five acres, whatever it takes, ten acres, then

1 we're going to put this there. So I mean, there -- like you
2 said, there's no real safeguard. Once we change this, it's
3 wide open to what did you say, 38 different uses?

4 COMMISSIONER TOBBEN: Yeah.

5 COMMISSIONER HAIRE: But you know,
6 when we -- our process was correct when we started changing
7 this. We wanted more permitted uses so we could reduce the
8 amount of Conditional Use Permits that were going to appear.

9 COMMISSIONER McLAREN: And boy, we
10 did.

11 COMMISSIONER HAIRE: I mean, our
12 thought process was correct.

13 COMMISSIONER McLAREN: Yeah.

14 COMMISSIONER HAIRE: I just think in
15 this particular case we might have made a mistake.

16 MS. EAGAN: I still just disagree
17 that in one of our most strict zoning districts, you are now
18 going to allow a wedding event facility as a conditional use
19 permit. That just -- to me people move to suburban
20 development to be away from commercial activity.

21 COMMISSIONER HAIRE: I'm not saying
22 we do it. I just think we need to relook and thinking what
23 this would permit. This -- this category, I mean, it's --
24 I'm just amazed how many wedding venues going through the
25 county and on that. And I don't think it's going to go

1 away. I think it's going to continue with this periodic
2 events.

3 MS. EAGAN: I know. We have another
4 one next month.

5 COMMISSIONER HAIRE: And we -- I just
6 think we ought to relook and say did we make the right
7 decision of years ago when we changed the permitted and CUP.
8 And if we didn't then what makes sense now we go back and we
9 look at it.

10 We might change -- keep it the same, but I do
11 think we owe it to look back and see whether we did want --
12 made it a little bit more aggressive in this area than we
13 need it to be.

14 COUNTY ATTORNEY VINCENT: Isn't there
15 another way of looking at it? Can't you look at it by
16 saying where would we like to have wedding ceremonies take
17 place and make those? You don't have to rezone this
18 property.

19 COMMISSIONER McCREARY: Right.

20 COUNTY ATTORNEY VINCENT: You can't
21 look backwards, Bill. Just because we did something in the
22 past, doesn't mean we're locked in for the future. There's
23 no precedent being set. So don't worry about lawsuits.

24 COMMISSIONER McLAREN: Okay. Well, I
25 mean, the definitions are so loose on where this

1 conversation started. The definitions are so loose on what
2 is --

3 COMMISSIONER WILLIAMS: [Inaudible]

4 COMMISSIONER McLAREN: I'm sorry?

5 COMMISSIONER WILLIAMS: Go ahead.

6 I'll let you finish.

7 COMMISSIONER McLAREN: -- so loose on
8 what is occasional and periodic. You know, I mean, I -- I
9 just -- I don't think -- I don't think we're fixing that
10 problem on what --

11 COUNTY ATTORNEY VINCENT: Well,
12 that's what I'm saying, Bill. Folks, you need to ask
13 yourself first, but the circumstances have not caused the
14 problem.

15 COMMISSIONER McLAREN: Okay.

16 COUNTY ATTORNEY VINCENT: Okay. It's
17 been the wedding venues that's caused the problem on every
18 one of them.

19 Look yourself at every one of the zoning
20 classifications. Forget about who's been named or who's
21 done what in the past. That's immaterial.

22 COMMISSIONER McLAREN: Yeah.

23 COUNTY ATTORNEY VINCENT: Where do
24 you want -- where would you approve -- where should it be
25 permitted?

1 COMMISSIONER McLAREN: I -- I don't
2 have an issue. I don't think they should be permitted
3 anyplace.

4 COUNTY ATTORNEY VINCENT: Well,
5 then...

6 [CROSSTALK]

7 COMMISSIONER WILLIAMS:
8 [Unintelligible]

9 COMMISSIONER McLAREN: I think they
10 should have a CUP in every district, except industrial.

11 COUNTY ATTORNEY VINCENT: And who's
12 going to enforce it? Are you guys going to enforce those on
13 Saturday night when they have too many people there?

14 COMMISSIONER McLAREN: So you know,
15 that's a bogus argument.

16 COUNTY ATTORNEY VINCENT: No, it's
17 not. We deal with it every day.

18 COMMISSIONER McLAREN: Well, then
19 let's not enforce anything.

20 COUNTY ATTORNEY VINCENT: Okay.

21 COMMISSIONER McLAREN: I'm good with
22 that.

23 COUNTY ATTORNEY VINCENT: That's
24 fine. Let's get rid of Planning and Zoning altogether.

25 COMMISSIONER McLAREN: It works for

1 me. Because that's what we're doing when -- when she sits
2 here and just said, you know, people are moving out to
3 Suburban Development District because they don't want to
4 have stuff like this around them.

5 But then we're willing to vote to rezone it.

6 COUNTY ATTORNEY VINCENT: No, you're
7 willing rezone -- you're the ones who want to rezone it.
8 You don't have to rezone it. Why rezone it? Why? Nobody's
9 making you.

10 COMMISSIONER McLAREN: Okay.

11 COMMISSIONER SCHULTEHENRICH: We're
12 not rezoning. We're only recommending.

13 [CROSSTALK]

14 COUNTY ATTORNEY VINCENT: Recommend
15 against it.

16 COMMISSIONER SCHULTEHENRICH: Okay.

17 COMMISSIONER WILLIAMS: Okay. I've
18 heard the term tonight black and white, which means more
19 regulations, more definitions, more clarification. Zoning
20 is not a black-and-white issue. I'm sorry. It never has
21 been. I've been dealing with this stuff for 38 years. It
22 never has been. And there's a reason for that.

23 It's so that people will look at it and say
24 what can I do here, and they have to go talk to her. That's
25 why she's here. That's why you have a zoning administrator.

1 That's why you have a planning and zoning person, is to come
2 in -- if they're smart, they'll come in and ask the
3 questions. Can I do this here? Can I do this here?

4 What happens is people come in just willy-nilly
5 and want to do something, or they get this idea and they
6 say, okay. Well, her job is to sit there and say yeah, you
7 can put that and here's the definition.

8 Yeah, I understand what you want to do. Here's
9 the process. She can't tell them no.

10 COMMISSIONER McLAREN: What's the
11 definition of a festival? What's your reasonable definition
12 of a festival?

13 COMMISSIONER WILLIAMS: What you want
14 a definition for everything listed?

15 COMMISSIONER McLAREN: No, the way we
16 list that as a festival, that a festival that works in
17 occasional and it doesn't work in periodic or vice versa.
18 I'm sorry. But we list that as a specific thing.

19 So what is a -- what is a workable definition
20 of a festival where she does -- where she has a reasonable
21 definition?

22 COMMISSIONER WILLIAMS: I have to
23 look it up.

24 CHAIRMAN EVANS: We're not going to
25 get into it because the festival says "things like", and we

1 cannot come up with a definition for every exception. So a
2 festival is going to be, you know, periodic or whatever,
3 once a year, twice a year. We are not -- we can't give a
4 definition. It's got to be open enough.

5 COMMISSIONER McLAREN: Okay.

6 COUNTY ATTORNEY VINCENT: Bill?

7 COMMISSIONER McLAREN: Yes, sir.

8 COUNTY ATTORNEY VINCENT: You're
9 still -- you're avoiding the underlying question.

10 COMMISSIONER McLAREN: I'm not trying
11 to.

12 COUNTY ATTORNEY VINCENT: But you
13 are.

14 COMMISSIONER McLAREN: Okay.

15 COUNTY ATTORNEY VINCENT: It's -- the
16 question is really simple. Where, in what districts as they
17 exist today, do you want to have weddings?

18 COMMISSIONER McLAREN: And I said I'm
19 personally comfortable with every one of them if they have a
20 CUP.

21 COUNTY ATTORNEY VINCENT: And what
22 kind of CUPs would you -- what would you regulate?

23 COMMISSIONER McLAREN: I would -- you
24 know, we -- we'd say, you know, these are hours of
25 operation.

1 COUNTY ATTORNEY VINCENT: Okay.

2 Well, she's suggesting you should make a set of regulations
3 and say weddings can be held in this area, and so long as
4 you meet these regulations. That's what she just suggested.

5 COMMISSIONER McLAREN: Okay.

6 COUNTY ATTORNEY VINCENT: You know,
7 we have how many pages of specific regulations for municipal
8 waste landfills? They're -- they can be in a zoning
9 classification anywhere, but they have to meet these -- in
10 addition to being rezoned -- zoned properly, they have to
11 meet these things.

12 I understand you guys don't think it's a big
13 deal.

14 COMMISSIONER McLAREN: I guess I'm --
15 I guess I'm totally missing the point here, and I --

16 COUNTY ATTORNEY VINCENT: You are.

17 COMMISSIONER HAIRE: But like the guy
18 was going out there. We characterized indoor. Did we not,
19 in the definitions?

20 MS. EAGAN: That's what you guys
21 wanted me to write.

22 COMMISSIONER HAIRE: Exactly. Now,
23 my point indoors you're really flexible on indoor because --

24 COUNTY ATTORNEY VINCENT: Okay. Now
25 I'm going to open the windows and be really loud. Guys, you

1 can't regulate life. You can only go so far. So tell us
2 what you want. Tell us what you want us to do. We're here
3 to do what you want.

4 You make the recommendations the County
5 Commission. Todd, I'll tell you why the detention ponds
6 were established as part of the green space, why it's
7 allowed. Because developers wanted it when they came in and
8 had the committee meetings. That is they took -- the
9 developers want no green space other than your yard.

10 COMMISSIONER BOLAND: And I
11 understand that.

12 COUNTY ATTORNEY VINCENT: That's
13 what it was.

14 COMMISSIONER BOLAND: Yeah, and I
15 completely understand that. I would be --

16 COUNTY ATTORNEY VINCENT: Is that
17 right or wrong?

18 COMMISSIONER BOLAND: If they would
19 maintain it, that's right.

20 COUNTY ATTORNEY VINCENT: Well --

21 COMMISSIONER BOLAND: But no -- but
22 here you're back to Bill again, as you told him, who's going
23 to police it?

24 COUNTY ATTORNEY VINCENT: We're not
25 going to police it.

1 COMMISSIONER BOLAND: You're not
2 going to police it?

3 COUNTY ATTORNEY VINCENT: No, we're
4 not.

5 COMMISSIONER BOLAND: So you're --

6 COUNTY ATTORNEY VINCENT: We will --
7 we will do it if we have enough resources, if you guys want
8 to raise taxes.

9 COMMISSIONER BOLAND: Well, why are
10 you asking us if we want to raise taxes?

11 COUNTY ATTORNEY VINCENT: I'm just --
12 because you're the one...

13 COMMISSIONER BOLAND: No, I'm just
14 saying that -- that I think as a Board, as yourself, then we
15 need to before we just say okay those guys came in, that's
16 what they want, and we'll give it to them, then we need to
17 back up and say well, who's going to maintain it.

18 COUNTY ATTORNEY VINCENT: We did
19 that. We -- we go through that process. No matter what
20 size the retention basis is, it's still going to be the
21 question of maintaining it.

22 COMMISSIONER BOLAND: Right.

23 COUNTY ATTORNEY VINCENT: Even green
24 space. Who maintains green space? You know, you can look at
25 some subdivisions, and they're manicured. And other ones

1 look like crap. The size of the detention pond doesn't mean
2 -- doesn't equate to maintenance. Most of those places
3 you're going to find that have a crappy detention pond have
4 a crappy common area everywhere.

5 COMMISSIONER McLAREN: What are you
6 calling maintenance of a detention pond? Just because I'm
7 nosey.

8 COUNTY ATTORNEY VINCENT: What I
9 mean? I'm just talking about where the banks are cut.

10 COMMISSIONER McLAREN: Do what?

11 COUNTY ATTORNEY VINCENT: The banks
12 are cut.

13 COMMISSIONER McLAREN: The grass is
14 cut?

15 COUNTY ATTORNEY VINCENT: Yeah.

16 COMMISSIONER McLAREN: Okay. So the
17 new detention ponds that haven't got here yet, but are
18 coming really soon are called bio-retention ponds.

19 COUNTY ATTORNEY VINCENT: I
20 understand that.

21 COMMISSIONER McLAREN: And you know
22 that's going to be where you're -- you're growing cattails.
23 You're growing reeds. You're growing water lilies. You're
24 growing everything that you can in a bog.

25 COUNTY ATTORNEY VINCENT: Well,

1 that's what you put down on the -- that's why the Missouri
2 Highway Department put prairie grass on the interstate, so
3 it can grow up and look like crap.

4 COMMISSIONER McLAREN: Well, okay.
5 That's -- that's what -- that's what, you know, in the two
6 counties to three counties -- two counties east and north of
7 us, that's what they're requiring now, is something --

8 COUNTY ATTORNEY VINCENT: And is that
9 right?

10 COMMISSIONER BOLAND: I think we got
11 off the subject here, and I appreciate the detention pond.

12 [CROSSTALK]

13 COUNTY ATTORNEY VINCENT: Well, you
14 said a while ago it was stupid.

15 COMMISSIONER BOLAND: Let's get back
16 to where -- where we were going with this in regards to --

17 COUNTY ATTORNEY VINCENT: And also
18 I'm going to ask you guys, tell us what you want.

19 CHAIRMAN EVANS: We are the keeper of
20 the land use regulations.

21 COMMISSIONER BOLAND: Then you're
22 talking out of both sides of your mouth because you just
23 said you want me to tell you what I want.

24 COUNTY ATTORNEY VINCENT: Uh-huh.

25 COMMISSIONER BOLAND: But the

1 builders came in and told them what -- what they want, and
2 that's what you did.

3 COUNTY ATTORNEY VINCENT: No, that's
4 not true, Todd. There was a compromise, and so I told you
5 that the developers came in and advocated for no green space
6 is what I said. That's what I said. I didn't say they came
7 in that way.

8 I said that the developers came in and wanted
9 no green space, and we compromised by having...

10 COMMISSIONER BOLAND: Why should we
11 even compromise?

12 COUNTY ATTORNEY VINCENT: Because you
13 represent both sides of the development, the property owners
14 and the developer.

15 COMMISSIONER BOLAND: Who does?

16 COUNTY ATTORNEY VINCENT: The County
17 as a whole.

18 COMMISSIONER BOLAND: The County,
19 okay.

20 COUNTY ATTORNEY VINCENT: You have
21 developers that live here. You have developers that work
22 here that create jobs, and you have home buyers. And are we
23 going to -- I guess it's a political philosophy also. You
24 going to micromanage everybody's life? Is that what you
25 want to do?

1 COMMISSIONER BOLAND: I'm just asking
2 a question here, Mark.

3 COUNTY ATTORNEY VINCENT: I'm just
4 trying to give you an answer, Todd.

5 COMMISSIONER BOLAND: This is getting
6 over the top here.

7 [CROSSTALK]

8 COUNTY ATTORNEY VINCENT: Well, a
9 while ago you said --

10 COMMISSIONER BOLAND:
11 [Unintelligible]

12 COUNTY ATTORNEY VINCENT: You said
13 what we did with detention ponds was stupid, are the words
14 you used.

15 COMMISSIONER BOLAND: I think we
16 ought to take this off the air.

17 COUNTY ATTORNEY VINCENT: I don't
18 care.

19 COMMISSIONER BOLAND: So...

20 MS. ZIELKE: Todd, I don't know if
21 you're aware of this, but just so you are aware, we do in
22 our regulations say that open space, they have to actually
23 record and file. Our office requires that they record and
24 file covenants and restrictions about how the area is going
25 to be maintained.

1 And I assume that could be -- go through civil
2 court to be enforced?

3 COUNTY ATTORNEY VINCENT: That's the
4 property owners enforce it. We don't.

5 MS. ZIELKE: Correct.

6 COUNTY ATTORNEY VINCENT: We don't
7 impose any subdivision restrictions.

8 MS. ZIELKE: Right, I know we
9 wouldn't. But there would be -- if they weren't being
10 maintained, there would be some course of action for the
11 person that has an issue.

12 COUNTY ATTORNEY VINCENT: Just like
13 we, if somebody in a subdivision builds too close to a lot
14 setback that's on a subdivision, not a County regulation, we
15 don't enforce that.

16 Todd, I apologize, but when you said that we
17 did something that's arbitrarily out there that we did
18 something stupid, that's offensive.

19 COMMISSIONER BOLAND: Well, the guy
20 even agreed that was stupid.

21 COUNTY ATTORNEY VINCENT: Well, I
22 can't help them.

23 COMMISSIONER BOLAND: You know. Why
24 are you trying to help me?

25 COUNTY ATTORNEY VINCENT: I can't --

1 I'm not trying to help you.

2 COMMISSIONER BOLAND: It seems that
3 we -- you know, that everybody --

4 COUNTY ATTORNEY VINCENT: He was
5 trying to get your vote.

6 COMMISSIONER BOLAND: If we put --
7 you put something out there and it's not maintained, so it
8 is pretty stupid.

9 COUNTY ATTORNEY VINCENT: No, it's
10 not. It's not stupid.

11 COMMISSIONER BOLAND: Whatever.
12 Whatever, Mark.

13 COMMISSIONER McLAREN: How -- how far
14 down the list are we on having new zoning areas?

15 COUNTY ATTORNEY VINCENT: The Board
16 has -- the Commissioners have asked -- have authorized her
17 to do -- redo the map.

18 COMMISSIONER McLAREN: Okay. Not new
19 definitions and not new districts, but --

20 COUNTY ATTORNEY VINCENT: You guys
21 have a job. If you want to do those, and if you look at
22 what your duties are, is to make recommendations to her for
23 changes.

24 COMMISSIONER McLAREN: Well, I -- I
25 think -- I think it's pretty obvious that the eastern --

1 northeastern part of Franklin County is probably not zoned
2 as well as it should be. And my -- you know, like I said,
3 the only reason there's not a gas station at 00 and 100 is
4 the zoning that's there does not allow it. I mean, that's
5 absolutely the only reason that there's not something.

6 And all the way on Highway 100, I mean, that's
7 -- we -- that probably is not correct to have it zoned the
8 way it is as far as development.

9 COMMISSIONER WILLIAMS: But what my
10 question would be if somebody came in and saw that and said
11 that's a commercial, why wouldn't they come in and ask for
12 it?

13 COUNTY ATTORNEY VINCENT: Because
14 it's probably you don't make any money out of it yet. It's
15 not there yet.

16 COMMISSIONER WILLIAMS: But what I'm
17 saying is if I'm taking your argument here and saying, okay,
18 that's -- if you think it's viable for a gas station going
19 in at 00 and Manchester Road, 100, you know, I might agree
20 with that because of the traffic and the visibilty and
21 stuff. But somebody could come in and ask for that.

22 MS. ZIELKE: They actually did. It's
23 zoned for that. It's zoned Community Development on the
24 corner there.

25 COMMISSIONER WILLIAMS: So I mean,

1 it's --

2 COUNTY ATTORNEY VINCENT: The purpose
3 of --

4 [CROSSTALK]

5 COMMISSIONER WILLIAMS: [Inaudible]

6 COMMISSIONER HAIRE: That goes back
7 to the point when we look at the future, we got to look at
8 the compromise of development and jobs for the county versus
9 quality of life that we provide in developments because
10 you're right. People want to come in. They don't want
11 certain things. How many -- but most people don't check
12 what the zoning districts are when they buy something.

13 And then all of a sudden something goes there,
14 and it's been zoned like that for 25 years. And then they
15 get all upset.

16 COUNTY ATTORNEY VINCENT: If you look
17 at the statute, Dan, it tells you the things that you have
18 to balance in planning and zoning. It is there, and it says
19 balanced. As far as what is planning and zoning, planning
20 and zoning is a regulatory tool to use -- you use to develop
21 property a certain way in a given area.

22 If you want commercial activity down 44 and 100
23 and 50, you zone it that way. Now, this -- whoever this --
24 I say I agree with you guys. The zoning map sucks.

25 But that was done, instead of saying okay, what

1 we're looking for the future, let's just zone everything
2 agricultural and non-urban except for what we want to really
3 try and micromanage.

4 COMMISSIONER McLAREN: Well, but
5 we're -- we're looking at the Future Land Use map and trying
6 to use that as a tool, and I don't think -- I'm sorry, I
7 don't -- I guess I'm missing it. I don't see where that's a
8 tool for us to be able to use.

9 COUNTY ATTORNEY VINCENT: It is,
10 because you control where development takes place.

11 COMMISSIONER McLAREN: Pardon me?

12 COUNTY ATTORNEY VINCENT: You control
13 where development takes place. That's what you use zoning
14 for. You want residential developments to be here. You
15 want commercial activity to be here. That's what you're
16 supposed to do with it.

17 COMMISSIONER McLAREN: I thought
18 that's what we were supposed to do with it, but I don't see
19 a map that's almost all green telling us that that's --

20 COUNTY ATTORNEY VINCENT: I just said
21 that. That's exactly what I just said. I agree with you,
22 Bill.

23 COMMISSIONER McLAREN: Okay.

24 COUNTY ATTORNEY VINCENT: That that
25 -- you're not controlling or dictating growth or development

1 when you have one -- a map that's just blanket one color.

2 You're not, but you guys, the reality of it is,
3 gentlemen, I'm sorry, is that we cannot enforce the
4 magnitude of conditional use permits that were coming down
5 and being violated before.

6 We were getting sued at least once a week.

7 COMMISSIONER McLAREN: Well, you need
8 a job, right?

9 COUNTY ATTORNEY VINCENT: No, I don't
10 need that job, Bill. I really don't.

11 COMMISSIONER HAIRE: Well, you know,
12 it's kind of introspective the laws can be based on those
13 conditions in those permits. What was the basis of the
14 lawsuits?

15 COUNTY ATTORNEY VINCENT: I was
16 trying to appeal -- put in the restrictive conditions on
17 them to start with, and us having to file a lawsuit against
18 them in civil court because they were not complying with the
19 regulations.

20 COMMISSIONER HAIRE: They weren't
21 complying, okay.

22 COUNTY ATTORNEY VINCENT: You think a
23 court's going to make a nursing home move after it's built?
24 No, they're not going to make them move, which we were
25 wasting our time with them.

1 That's what has happened, either we were trying
2 to enforce them. That's where we had the municipal court.
3 Everybody filed in municipal court. That works a lot
4 better, but it's still a lot of time.

5 And we had the problem with if somebody didn't
6 like -- like the way that they were going with the
7 conditional use permits, they went right to the courthouse
8 and filed a lawsuit against us. And that was happening on a
9 weekly basis.

10 CHAIRMAN EVANS: So most of the
11 lawsuits were not -- not with issues of the CUP but was
12 non-compliance?

13 COUNTY ATTORNEY VINCENT: No, both.
14 We were doing non-compliance. The people that were not --
15 that were being denied the CUPs were filing for us not
16 following regulations or being arbitrary and capricious.

17 CHAIRMAN EVANS: Okay. That's --

18 COUNTY ATTORNEY VINCENT: 50/50.

19 CHAIRMAN EVANS: -- kind of --

20 COUNTY ATTORNEY VINCENT: 50/50.

21 CHAIRMAN EVANS: Okay. So it's
22 non-compliance and the CUP?

23 COUNTY ATTORNEY VINCENT: And from a
24 banking perspective, banks do not like to loan money on a
25 Conditional Use Permit because it could be gone tomorrow.

1 COMMISSIONER WILLIAMS: Right.

2 COUNTY ATTORNEY VINCENT: That's bad
3 business. So you know, I know you're not worried about
4 business because I know that's not your job, but that's a
5 fact.

6 CHAIRMAN EVANS: Yes, the question I
7 guess then on why wouldn't a bank loan on a CUP?

8 COUNTY ATTORNEY VINCENT: Because you
9 could lose it tomorrow and it's gone. You can't do that use
10 anymore. If you --

11 CHAIRMAN EVANS: I thought the way
12 the regulations were, you know, basically unless we put in a
13 time limit on the CUP, it's --

14 COUNTY ATTORNEY VINCENT: I'm sorry,
15 what?

16 CHAIRMAN EVANS: -- in perpetuity or
17 whatever.

18 COUNTY ATTORNEY VINCENT: I know, but
19 if you violate -- if you violate the conditions with CUP,
20 you lose that.

21 COMMISSIONER McCREARY: Well, that's
22 also been brought up before, Mark. With Conditional Use
23 Permits that have been -- Scottie says no, you don't
24 automatically lose it.

25 COUNTY ATTORNEY VINCENT: You do if

1 you -- after you go to the public hearing, you lose it.

2 COMMISSIONER McCREARY: But you don't
3 automatically lose it. There are steps.

4 COUNTY ATTORNEY VINCENT: Oh, sure
5 there's steps, but you can lose the zoning.

6 COMMISSIONER McCREARY: Yeah, you
7 possibly could.

8 COUNTY ATTORNEY VINCENT: I've seen
9 it happen, Russell.

10 COMMISSIONER McCREARY: I understand,
11 but --

12 COUNTY ATTORNEY VINCENT: I've seen
13 it happen.

14 COMMISSIONER McCREARY: Well, I --

15 COUNTY ATTORNEY VINCENT: But you
16 don't lose that with a rezoning.

17 COMMISSIONER McCREARY: I understand.
18 And like -- again, like you said, it goes back also to our
19 enforcement.

20 COUNTY ATTORNEY VINCENT: Uh-huh.

21 COMMISSIONER McCREARY: I mean, we
22 don't have the money, we don't have the man --

23 COUNTY ATTORNEY VINCENT: No, we
24 don't.

25 COMMISSIONER McCREARY: -- manpower

1 to enforce what we put on conditional use permits.

2 COUNTY ATTORNEY VINCENT: No, so why
3 do them?

4 COMMISSIONER McCREARY: Even when we
5 revoke them.

6 COUNTY ATTORNEY VINCENT: Scottie,
7 I'm sorry, but it is -- you guys are in a -- your job, as I
8 see it and I think the statutes would agree with me, so
9 would the case law, is to make recommendations on zoning
10 regulations that you feel need to be changed. And I think
11 that's what I've asked of you all.

12 So if you guys -- that's what you do. That's
13 part of your job. If you need to get together some time and
14 just have a work session where you look at these yourself
15 and go through them and make suggestions to Scottie and
16 Nichole and me, that's fine.

17 But what she came up with tonight is an idea
18 that it works for Ameren UE and the utility waste landfill.
19 There's no reason why it would not work for a festival, a
20 circus, monkey show, whatever. Whatever you want to call
21 it.

22 COMMISSIONER HAIRE: I'd like to go
23 to that monkey show.

24 MS. EAGAN: That's what I said.

25 COUNTY ATTORNEY VINCENT: What?

1 MS. EAGAN: I'd like to go to that
2 monkey show.

3 COUNTY ATTORNEY VINCENT: Sorry.

4 COMMISSIONER WILLIAMS: How about a
5 monkey festival?

6 COUNTY ATTORNEY VINCENT: A monkey
7 festival.

8 COMMISSIONER HAIRE: Now you got my
9 vote.

10 CHAIRMAN EVANS: All right. Bottom
11 line is we are -- we are the keepers, and we make
12 recommendations that we can -- we can talk it to death. If
13 somebody wants to make a change, then we need to discuss it
14 or have something in writing or a strawman, or are we just
15 going to talk it to death every meeting?

16 So --

17 COMMISSIONER McLAREN: Can -- can I
18 ask one more question?

19 CHAIRMAN EVANS: Sure.

20 COMMISSIONER McLAREN: I'm sorry you
21 went back and sat down.

22 [CROSSTALK]

23 So just for purely educational purposes, I -- I
24 think I've only been involved that one revocation. So that
25 would have been two months ago, would have been the car

1 dealer Zerna. I'm sorry, Zerna. So I went by there the
2 other -- twice or three times this weekend. And I see that
3 it does not look any different at all. So I just --

4 COUNTY ATTORNEY VINCENT: I got to
5 ask her that. I don't do the enforcement part of it.

6 COMMISSIONER McLAREN: Okay. I just
7 want to know what -- now that we've done that, what happens
8 next?

9 MS. EAGAN: He appealed your
10 decision, and it's in court.

11 COUNTY ATTORNEY VINCENT: Yeah, once
12 the decision is appealed, it stays everything. We can do
13 nothing while it -- once it's appealed. That's what that --
14 that's what your legislators have done for us.

15 COMMISSIONER McLAREN: And then what
16 happens? If he loses, what happens then?

17 COUNTY ATTORNEY VINCENT: Then we --
18 then we can force him to clean it up.

19 COMMISSIONER McLAREN: I see.

20 COUNTY ATTORNEY VINCENT: By fining
21 him, by -- if a judge wanted to, we have the power to put --
22 to incarcerate people for that. But it's a
23 thousand-dollar-per-day fine.

24 COMMISSIONER McLAREN: I just -- like
25 I said, I did not --

1 COUNTY ATTORNEY VINCENT: Yeah.

2 COMMISSIONER McLAREN: Everything
3 looks exactly the same.

4 COUNTY ATTORNEY VINCENT: Yeah, once
5 it's -- once he appeals, it stays, and we cannot do anything
6 until the appeal is done. So if he appeals it on up the
7 chain, it's going to stay like that until it's all the way
8 done.

9 COMMISSIONER McLAREN: Now, if he
10 loses the appeal, does it threaten back-to-back with the
11 fine from the previous year or --

12 COUNTY ATTORNEY VINCENT: No, we
13 can't do anything until then.

14 COMMISSIONER McLAREN: Okay.

15 COUNTY ATTORNEY VINCENT: So we're
16 starting at that day.

17 COMMISSIONER McLAREN: Until the
18 appeal is done, you can't even start the fining process.
19 Okay.

20 CHAIRMAN EVANS: Now, did we have
21 action against him for storage of junk vehicles anyway, so
22 would be separate from --

23 COUNTY ATTORNEY VINCENT: That's a --
24 that's in municipal court.

25 MS. EAGAN: Yes.

1 CHAIRMAN EVANS: So that's still in
2 municipal court. So...

3 MS. EAGAN: Yeah.

4 CHAIRMAN EVANS: He's --

5 COMMISSIONER McLAREN: Can you humor
6 me one more question?

7 COUNTY ATTORNEY VINCENT: I could
8 stay all night, Bill.

9 COMMISSIONER McLAREN: Great.

10 I saw that we got an e-mail this past week
11 about something's going to court. Is that correct?

12 COUNTY ATTORNEY VINCENT: I think you
13 got one about Steve Kuenzel's decision on the mining stuff.

14 COMMISSIONER McLAREN: Okay.

15 COUNTY ATTORNEY VINCENT: Yeah. What
16 that was is that constitutional arguments don't have a
17 statute of limitation. Lynn Havin and her company is
18 putting a lot of money into that project. Steve agrees with
19 the opinion that I issued to you guys as far as what the law
20 is.

21 That does not mean that five years from now if
22 they go that way, that a court cannot say, Steve Kuenzel,
23 Mark Vincent, you're both stupid and rule against it.

24 What Steve is going to do on behalf of his
25 client, and they already have -- they're going to file an

1 application for a Conditional Use Permit for that site, and
2 submit his case, his client's issue, to our jurisdiction by
3 -- and waive any claims that he has against Franklin County
4 for us exceeding our jurisdiction and regulating some type
5 activity that we're otherwise not allowed to.

6 COMMISSIONER McLAREN: And -- and
7 which are the two things that we're talking about, the one
8 that we approved the CUP for or the one that they've
9 approved?

10 COUNTY ATTORNEY VINCENT: The one
11 that they -- the one that I said you couldn't do.

12 MS. EAGAN: The one that withdrew.

13 COUNTY ATTORNEY VINCENT: The one
14 they withdrew. Well, they didn't withdraw it. I told them
15 they didn't -- didn't need it. But that one, they're
16 resubmitting it.

17 COMMISSIONER McLAREN: As they're
18 resubmitting it for a CUP?

19 COUNTY ATTORNEY VINCENT: Uh-huh.

20 MS. EAGAN: Correct.

21 COMMISSIONER McLAREN: Even though
22 you said they didn't have to?

23 COUNTY ATTORNEY VINCENT: But that's
24 why I'm getting a waiver from them that where they agree to
25 hold Franklin County harmless.

1 MS. EAGAN: And we got that.

2 COUNTY ATTORNEY VINCENT: We got
3 that. Like I said, if you guys want to --

4 COMMISSIONER McLAREN: Are you going
5 to explain this to us ahead of time or...

6 COUNTY ATTORNEY VINCENT: I'm sorry?

7 COMMISSIONER McLAREN: Are you going
8 to explain this?

9 COUNTY ATTORNEY VINCENT: It just
10 happened. I'm not sure what you mean, ahead of time.

11 COMMISSIONER WILLIAMS: I'm confused
12 too, Mark. I'm sorry, but --

13 COUNTY ATTORNEY VINCENT: Okay.

14 COMMISSIONER WILLIAMS: -- so we're
15 going to be reviewing a CUP?

16 COUNTY ATTORNEY VINCENT: Yeah.

17 COMMISSIONER WILLIAMS: For something
18 that doesn't require a CUP?

19 COUNTY ATTORNEY VINCENT: I'm telling
20 you that I say it doesn't require a CUP. Everybody -- well,
21 I shouldn't say everybody. The people that oppose Lynn
22 Havin, everybody on that side, feels that it needs a CUP.
23 Kuenzel is not one to gamble it. So he asked me if he would
24 -- could voluntarily go through the CUP process. And I
25 said, "I don't have a problem going through any kind of

1 process, as long as you don't hold it against the County."
2 Because that's what he cannot do, if it's denied by you guys
3 or by a court, he can't come back and say that we did
4 anything wrong.

5 COMMISSIONER McLAREN: Well, that's
6 why I just asked because I'm really confused here.
7 Obviously, I'm willing to be the most stupid person up here.

8 If they're going to ask for a CUP that you
9 think that we don't need -- they don't need, what or how are
10 we supposed to look at that?

11 COUNTY ATTORNEY VINCENT: Just like
12 it's a normal CUP.

13 COMMISSIONER McLAREN: So we're --
14 we're blotting out --

15 COUNTY ATTORNEY VINCENT: Let me
16 worry about the legal part. You worry about the CUP part.

17 COMMISSIONER McLAREN: That's the
18 question I'm trying to find out.

19 COUNTY ATTORNEY VINCENT: Right.

20 COMMISSIONER McLAREN: That's why I
21 said are you going to educate us.

22 COUNTY ATTORNEY VINCENT: I'm -- only
23 thing, this -- you guys get to -- it's like having somebody
24 jump off sides on defense where you get a free play on the
25 offense. You have the right to rule -- to consider this

1 like a CUP without any -- any repercussions one way or the
2 other. It's --

3 COMMISSIONER SCHULTEHENRICH: I would
4 think we could -- we would be in the position of not even
5 saying we are -- we are not going to even take that
6 conditional use permit up in our meeting here because of the
7 legal ruling by the County that we don't have to. It
8 doesn't -- it doesn't require a CUP, so --

9 COUNTY ATTORNEY VINCENT: Okay. What
10 will happen then is they will go get a writ. Okay.

11 COMMISSIONER McLAREN: Then what
12 happens? I mean --

13 COUNTY ATTORNEY VINCENT: Then a
14 court could say if the County is willing the jurisdictional
15 requirement, you have to hear it. Guys, and he's willing to
16 submit himself to your jurisdiction. Why would you not want
17 to do that?

18 COMMISSIONER SCHULTEHENRICH: Because
19 it seems to me -- to be frank, it seems to me to be a waste
20 of time.

21 COUNTY ATTORNEY VINCENT: Okay.
22 That's fine. Tell him. When he -- he has the right to file
23 an application.

24 COMMISSIONER HAIRE: We have the
25 right to deny it though.

1 COUNTY ATTORNEY VINCENT: Sure you
2 do.

3 COMMISSIONER HAIRE: Exactly.

4 COUNTY ATTORNEY VINCENT: Do whatever
5 you want, and then when he gets here that night, tell we
6 don't -- we don't want to hear it. That's up to you guys.

7 COMMISSIONER HAIRE: No, I'm not
8 saying not hearing it. I'm just saying we have the right to
9 deny it.

10 COUNTY ATTORNEY VINCENT: Uh-huh.

11 COMMISSIONER HAIRE: Just like any --

12 COUNTY ATTORNEY VINCENT: Uh-huh.

13 COMMISSIONER HAIRE: -- conditional
14 use permit.

15 CHAIRMAN EVANS: We look at it as any
16 other CUP. It will stand on its -- on its own merits. I
17 mean, Mark said --

18 [CROSSTALK]

19 COUNTY ATTORNEY VINCENT: Yeah, it's
20 a --

21 CHAIRMAN EVANS: -- I mean, this is
22 constitutional or null and correct. We're not concerned
23 with that because we have our regulations. Do we come up to
24 the correct conditions and we deal with it.

25 COUNTY ATTORNEY VINCENT: I'm not

1 going to change my opinion, and I'm not going to change --
2 say that I was wrong the first time in how I read the
3 statutes. I'm not going to do that.

4 I still feel that -- that the opinion I gave is
5 correct. So they are eval- -- what they are evaluating is
6 that what's the least risky for them, to let it decide or
7 rest on my opinion or to go through the process and
8 hopefully grant -- get a CUP and then -- so that it cannot
9 be challenged on constitutional grounds five or ten years
10 from now.

11 That's what they're doing, and that's the legal
12 call on their part. If you guys decide you don't want to
13 hear it, they'll appeal that to BOZA, is what will happen.
14 I forgot that you guys go to BOZA.

15 COMMISSIONER SCHULTEHENRICH: They
16 already have on this --

17 COUNTY ATTORNEY VINCENT: On the
18 other side, yeah.

19 COMMISSIONER SCHULTEHENRICH: Right.

20 COUNTY ATTORNEY VINCENT: But that
21 was not them. That was the other parties that appealed to
22 BOZA.

23 COMMISSIONER SCHULTEHENRICH: Oh,
24 okay.

25 COUNTY ATTORNEY VINCENT: Yeah, the

1 -- the against people appealed to BOZA, and the vote from
2 BOZA was a unanimous favor of Havin.

3 COMMISSIONER SCHULTEHENRICH: So they
4 would have the right to go BOZA there? If we denied hearing
5 it, --

6 COUNTY ATTORNEY VINCENT: Uh-huh.

7 COMMISSIONER SCHULTEHENRICH: -- they
8 would have the right to go to BOZA --

9 COUNTY ATTORNEY VINCENT: Yeah.

10 COMMISSIONER SCHULTEHENRICH: -- to
11 potentially ask that it be taken up by them?

12 COUNTY ATTORNEY VINCENT: No, send it
13 back to you to have it heard because it's --

14 COMMISSIONER McLAREN: So the one CUP
15 to mine the gravel that's washed on the opposite side of the
16 river, that's a done deal?

17 COUNTY ATTORNEY VINCENT: No. It's
18 been through BOZA. They have the right to appeal that by
19 writ of certiorari to the circuit court.

20 MS. EAGAN: It's done with the
21 County.

22 COUNTY ATTORNEY VINCENT: We're done
23 with that part of it, yeah. But it's not done.

24 COMMISSIONER HAIRE: How long do they
25 have to make that appeal to the circuit court?

1 COUNTY ATTORNEY VINCENT: Thirty
2 days, but I said they'll -- they'll do it.

3 COMMISSIONER HAIRE: I'm just saying
4 but they have a timeline?

5 COUNTY ATTORNEY VINCENT: Yeah, they
6 have to file the appeal, and once that's done, it could take
7 -- that could be going on for another year.

8 COMMISSIONER HAIRE: Uh-huh.

9 COUNTY ATTORNEY VINCENT: The
10 question is what gets stayed and what does not get stayed.
11 That's the big issue right now, and -- and everybody thinks
12 this stuff is simple.

13 COMMISSIONER McLAREN: All right. So
14 I got one last question. I promise.

15 COUNTY ATTORNEY VINCENT: Okay.

16 COMMISSIONER McLAREN: I'm done.

17 COUNTY ATTORNEY VINCENT: I don't
18 care, Bill.

19 COMMISSIONER McLAREN: So what I
20 understand that you just said is you don't like CUPs because
21 it gets the County into management situation, and that's
22 really uncomfortable for the County because there's not
23 enough funds available. So you would really us rather
24 rezone something to make it be able to happen --

25 COUNTY ATTORNEY VINCENT: Yeah.

1 COMMISSIONER McLAREN: -- so you
2 don't have to have a CUP.

3 COUNTY ATTORNEY VINCENT: Well, let's
4 be -- let's be clear about this.

5 COMMISSIONER McLAREN: I'm trying to
6 be. That's --

7 COUNTY ATTORNEY VINCENT: Because
8 what I feel about CUPS personally is immaterial. Okay. Now
9 do you want to hear what I think about them personally?

10 COMMISSIONER McLAREN: Sure.

11 COUNTY ATTORNEY VINCENT: I think
12 they're a waste of time. I think if you want to have
13 something, it should be permitted or not, because the case
14 law is so screwy on CUPs and special use permits that it's
15 hard to follow what's done right and what's done wrong.

16 Having said that, I understand that you guys
17 have the right to make a recommendations for zoning
18 regulations, and the County Commission has the right to
19 approve them. No one is going to follow my archaic theory
20 of getting rid of all CUPs. I'm not that -- well, maybe I
21 am that dumb, but I don't expect that to happen.

22 So the issue is then what is best for Franklin
23 County and the taxpayers of Franklin County? I understand
24 that you have to have regulations. But still perhaps we
25 need to have some definitions cleared up, but that takes

1 place, in my mind, after you all decide what you want to
2 have where. And if you guys -- and you're one person.

3 COMMISSIONER McLAREN: I understand.

4 COUNTY ATTORNEY VINCENT: Majority of
5 you guys, where do you want to have weddings held outside,
6 what zoning districts? You tell us what you want there, and
7 we'll try to make the definitions work. That's what --
8 that's what we're looking at here, is that.

9 Where do you want to have circuses? Where do
10 you want to have outside festivals? If you think that we're
11 going to be able to define every possible thing -- I think
12 one of you all said that before -- we can't do that.

13 I can take the Lord's Prayer and turn it into a
14 ten-volume set, but we don't want to do that.

15 What else you got, Bill?

16 COMMISSIONER McLAREN: Thank you for
17 amusing me, you all. I really appreciate it. I'm still
18 very most uncomfortable doing rezonings that something else
19 could happen just to be able to accommodate someone.

20 So that -- that's my whole point. I -- I'm
21 uncomfortable.

22 COUNTY ATTORNEY VINCENT: But you
23 don't have to rezone them.

24 CHAIRMAN EVANS: And, Mark, he
25 mentioned before the people doing things bass ackwards,

1 coming in and saying -- picking out the property, I want to
2 do this, instead of first finding out where can I do
3 this, --

4 COUNTY ATTORNEY VINCENT: Yeah.

5 CHAIRMAN EVANS: -- and going to that
6 area, they're doing it backwards.

7 COUNTY ATTORNEY VINCENT: I hope that
8 these people have a contract that says that it's contingent
9 upon getting this proper uses and all permits before they
10 close.

11 CHAIRMAN EVANS: Sure and I would
12 assume it just says they have a contract --

13 COUNTY ATTORNEY VINCENT: That's
14 their problem.

15 CHAIRMAN EVANS: -- and obviously
16 when they do it at Havin, they always are contingent on --

17 COUNTY ATTORNEY VINCENT: Yeah,
18 there's folks back there tonight from Cochran. Heck, yeah,
19 they're good friends of mine, but does that make a
20 difference? No, if it's not right, you say it's not right
21 and you go on. You can't do it because of that. Is this --
22 is that a good place to have weddings, outside weddings?
23 Okay. That's why you guys get so much, to make those
24 decisions.

25 CHAIRMAN EVANS: I still like the

1 idea and, Scottie, you -- you know, I'm sure you have
2 nothing better to do, to come up with just a strawman, a
3 list of things you could put in an article. Is that -- is
4 that doable?

5 MS. EAGAN: For like Article 10?

6 CHAIRMAN EVANS: Like for Article 10,
7 for us to look at.

8 MS. EAGAN: Uh-huh.

9 CHAIRMAN EVANS: Like I say, we could
10 talk this to death, but it's our job to make recommendations
11 and not just to talk about it. And if we come up with a
12 recommendation, it still goes to the Commission, and the
13 Commission can look at it and say no.

14 So our decision is not a law. It's a
15 recommendation.

16 COUNTY ATTORNEY VINCENT: This is a
17 paid political announcement on behalf of Scottie. The idea
18 that she's come up with, you guys can -- we can craft that
19 in such a way that there's certainty that I know that if I
20 buy land out here in this zoning classification that I want
21 to use a part of it for an outdoor wedding festival site,
22 that I know that I have to do these things.

23 Just like there's more certainty right now to
24 build a utility waste landfill with fly ash in this county
25 than there is where you can have a wedding.

1 CHAIRMAN EVANS: No, I agree. That's
2 why I'm asking her to actually come up with a strawman or
3 something we can look at so we can stop doing, you know, --

4 COUNTY ATTORNEY VINCENT: Uh-huh.

5 CHAIRMAN EVANS: -- to stop talking
6 during the questions and have something that we can either
7 say we like or don't like and use it as a starting point to
8 actually make a decision.

9 COMMISSIONER WILLIAMS: Can I ask a
10 question?

11 CHAIRMAN EVANS: Ron.

12 COMMISSIONER WILLIAMS: So what
13 happens in each district for those uses; do those become
14 permitted then or do they stay as they are or what happens
15 to them?

16 MS. EAGAN: I mean, that would just
17 depend on how you guys want to do it. What I can do to
18 start off with is write what the regulations could be in
19 Article 10, and then we can go back and look at where you
20 want them permitted with those regulations.

21 COMMISSIONER WILLIAMS: Okay.

22 CHAIRMAN EVANS: Right. So we have a
23 starting point and we have something to look at so we can
24 make some decisions.

25 Anything else to discuss? [None]

1 If not, Planning Director's Report.

2 MS. EAGAN: I mean, Mark kind of
3 touched on everything I was going to say. The Commission --

4 COUNTY ATTORNEY VINCENT: I'm not
5 going to apologize because he asked.

6 MS. EAGAN: I know. I met with him a
7 week, I think, ago and they did give me permission to go
8 ahead and start on rezoning the county. So I'm still not a
9 hundred percent sure how I'm going to do it, if I'm going to
10 have a steering committee or not that helps with it, and
11 gets their own map.

12 My thought was possibly doing a steering
13 committee with members potentially from this Board, BOZA,
14 IDA, our old CEDC Board, to kind of furnish their map based
15 on regulations, Future Land Use map, my department do a map
16 based on everything and kind of compare the two and
17 compromise between them.

18 Again, it was last week. So we're just now
19 getting our existing land use map and our empty map that we
20 can color. So I'll let you guys know how we're going with
21 that.

22 COMMISSIONER HAIRE: Would it help if
23 in each one of our townships that we look and see what we
24 would change in our own townships?

25 MS. EAGAN: Yes. We could do it that

1 way. We could each give you guys each a map of what it is
2 and a blank map, and you guys could say what you think it
3 should be and we can compare them and talk about them and,
4 you know.

5 COMMISSIONER HAIRE: Or maybe we
6 could compare if you know something in another area, but it
7 might be easiest to start with your own --

8 MS. EAGAN: Right.

9 COMMISSIONER HAIRE: -- township.

10 MS. EAGAN: Uh-huh.

11 COMMISSIONER HAIRE: And then the
12 next from there.

13 MS. EAGAN: Yeah, so --

14 CHAIRMAN EVANS: You can't just
15 rezone your own property.

16 MS. EAGAN: You know, like Bill said,
17 obviously the eastern half of the county I think there's a
18 lot of stuff over there that we need to look at and change.
19 So Todd's got a lot of looking to do, and Bill's got a lot
20 of looking to do.

21 In terms of the appeal, it was heard on October
22 3rd, and BOZA upheld your decision. We do have the
23 application for Meramec's CUP for next month, as well as
24 another rezoning, I think, for special events area.

25 COMMISSIONER BOLAND: Bill will be in

1 the emergency room again.

2 COUNTY ATTORNEY VINCENT: Just don't
3 show up, Bill.

4 COMMISSIONER McLAREN: I probably
5 won't. I'm getting tired arguing the point where we're
6 going to do this over and over and over.

7 MS. EAGAN: Well, hopefully by next
8 month I'll have regulations you can also look at.

9 COMMISSIONER HAIRE: Just stop all
10 your blood pressure medicine.

11 MS. EAGAN: But I think -- I think
12 that's all I have for you guys.

13 CHAIRMAN EVANS: All right. If
14 there's nothing else, the Chair would entertain a motion to
15 adjourn.

16 COMMISSIONER McLAREN: So moved.

17 COMMISSIONER HAIRE: Second.

18 CHAIRMAN EVANS: Motioned and
19 seconded to adjourn. All in favor signify by saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER CUNIO: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN EVANS: Aye.

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COMMISSIONER BOLAND: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER TOBBEN: Aye.
COMMISSIONER SCHULTEHENRICH: Aye.
COMMISSIONER McCREARY: Aye.
CHAIRMAN EVANS: Opposed? [None]

The meeting is adjourned.

[Thereupon, the proceedings
concluded at 8:31 p.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

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