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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

NOVEMBER 17, 2015

(Commencing at 7:00 p.m.)

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

PUBLIC HEARINGS 11/17/2015

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

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

2 COMMISSION MEMBERS:

- 3 William Evans, Chairman
- 4 Jay Schulteheinrich, Co-Chairman
- 5 Timothy Reinhold, Commissioner
- 6 Don Voss, Commissioner
- 7 Bill McLaren, Commissioner
- 8 Ray Cunio, Commissioner
- 9 Ron Williams, Commissioner
- 10 Todd Boland, Commissioner
- 11 Dan Haire, Commissioner
- 12 Tom Tobben, Commissioner

13

14 PLANNING AND ZONING STAFF:

- 15 Ms. Scottie Eagan, Planning Director
- 16 Ms. Nichole Zielke, Administrative Assistant

17

18 LEGAL COUNSEL:

- 19 Mark Vincent, County Attorney

20

21 MIDWEST LITIGATION SERVICES:

- 22 By: Patsy A. Hertweck, C. R.
- 23 711 North Eleventh Street
- 24 St. Louis, Missouri 63101
- 25 (314) 644-2191

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

2 (NOVEMBER 17, 2015)

3 CHAIRMAN EVANS: I'd like to go ahead and
4 call to order the Tuesday, November 17th meeting of the Franklin
5 County Planning and Zoning Commission.

6 Scottie, please take roll as soon as you get here.

7 MS. ZIELKE: It's actually going to be me.
8 Okay.

9 CHAIRMAN EVANS: Nichole.

10 MS. ZIELKE: Bill Evans?

11 CHAIRMAN EVANS: Here.

12 MS. ZIELKE: Jay Schulteheinrich?

13 COMMISSIONER SCHULTEHENRICH: Here.

14 MS. ZIELKE: Todd Boland?

15 COMMISSIONER BOLAND: Here.

16 MS. ZIELKE: Tim Reinhold?

17 COMMISSIONER REINHOLD: Here.

18 MS. ZIELKE: Ray Cunio?

19 COMMISSIONER CUNIO: Here.

20 MS. ZIELKE: John Fischer?

21 COMMISSIONER FISCHER: [Not present.]

22 MS. ZIELKE: Or, no, no. I'm sorry. Tom
23 Tobben?

24 COMMISSIONER TOBBEN: Here.

25 MS. ZIELKE: Bill McLaren?

1 COMMISSIONER McLAREN: Here.

2 MS. ZIELKE: Don Voss?

3 COMMISSIONER VOSS: Here.

4 MS. ZIELKE: Dan Haire?

5 COMMISSIONER HAIRE: Here.

6 MS. ZIELKE: Russell McCreary?

7 COMMISSIONER McCREARY: [Not present.]

8 MS. ZIELKE: And, Ron Williams?

9 COMMISSIONER WILLIAMS: Here.

10 MS. ZIELKE: We have quorum.

11 CHAIRMAN EVANS: Thank you.

12 At this time, I want to give the Planning and Zoning
13 Commissioners a chance to declare any conflict, communication or
14 relationship they may have had that might influence their ability
15 to consider today's issues impartially.

16 If not, Scottie or Nichole, will you case please give
17 us the presentation of the meeting procedures and exhibits.

18 MS. ZIELKE: Tonight's Planning Commission
19 meeting is governed by the Franklin County Unified Land Use
20 Regulations of 2001.

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

1 opportunity to do so.

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

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

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

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

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

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

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

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

1 same night.

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

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

9 CHAIRMAN EVANS: Thank you.

10 All the Commissioners should have received a copy of
11 the October 20th meeting minutes. If there are no additions or
12 other changes, the Chair will entertain a motion to approve.

13 COMMISSIONER HAIRE: I move to approve the
14 minutes.

15 COMMISSIONER CUNIO: I second.

16 CHAIRMAN EVANS: We have a motion and a
17 second to approve the minutes. All in favor signify by saying
18 aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER CUNIO: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH: Aye.

3 CHAIRMAN EVANS: Opposed? [None]

4 The minutes are approved.

5 Communication and Visitor Comments. Is there anyone
6 present wishing to address the Commission? If not we'll move on
7 to Old Business.

8 File 150210 Christy Materials [sic], L. L. C.

9 Nichole, if you'd give us the details.

10 MS. ZIELKE: The Applicant wishes to mine a
11 fireclay pit in the Non-Urban and Agricultural Zoning District.

12 The property is located on Klemme Road, approximately
13 one mile east of Vossbrink Road in Boone Township.

14 The Facts: The total acreage of the property is
15 approximately 40 acres in size. Applicant only plans to use a
16 portion of the property, approximately two acres in size.

17 The property is in the Non-Urban and Agricultural
18 Zoning District. The extraction, quarrying, or mining of sand,
19 gravel, topsoil, or other mineral requires a Conditional Use
20 Permit in this zoning district.

21 The area surrounding the property is primarily
22 low-density residential or undeveloped land.

23 There does appear to be one structure on the large
24 parcel. According to the Assessor's records, it appears to be a
25 residential structure that was built in 1927.

1 This property will have access to Klemme Road. This
2 is a county road with a right-of-way width of approximately 30
3 feet.

4 Staff Comments: Applicant shall be limited to mining
5 only on the property described in the legal description.

6 Applicant shall operate according to all State and
7 Federal regulations.

8 The Applicant's hours of operation shall be Monday
9 through Friday, 8:00 a.m. to 5:00 p.m.

10 All new and/or existing entrances will need to be
11 examined by the Franklin County Highway Department for a
12 commercial entrance. Planning and Zoning shall receive
13 documentation of final construction prior to issuance of a CUP.

14 There shall be no blasting on the proposed site.

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

18 The Review Committee met about this, and their
19 recommendation was to approve the Conditional Use Permit to mine a
20 fireclay pit with 3 in favor and 0 opposed.

21 CHAIRMAN EVANS: Thank you.

22 Is there any discussion, questions? [None] If not,
23 then the Chair would entertain a motion.

24 COMMISSIONER BOLAND: So moved.

25 CHAIRMAN EVANS: We have a motion to

1 approve File 150210. Do we have a second?

2 COMMISSIONER HAIRE: Second.

3 CHAIRMAN EVANS: We have a motion and a
4 second to approve File 152010. All those in favor signify by
5 saying aye.

6 COMMISSIONER REINHOLD: Aye.

7 COMMISSIONER VOSS: Aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER CUNIO: Aye.

10 COMMISSIONER WILLIAMS: Aye.

11 CHAIRMAN EVANS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER HAIRE: Aye.

14 COMMISSIONER TOBBEN: Aye.

15 COMMISSIONER SCHULTEHENRICH: Aye.

16 CHAIRMAN EVANS: Opposed? [None]

17 Motion is carried, and the file is approved.

18 Moving on to New Business. We have File 150235,
19 Planning and Zoning Department. No public comments accepted.

20 Scottie, if you'd give us the details.

21 MS. EAGAN: Okay. I think the first one
22 we're going to talk about is Article 4. Nichole just gave it to
23 you guys tonight. We were still working on it last week when your
24 packets went out.

25 If you turn to page 4.5, the part that changed starts

1 letter C. We say:

2 "Even if the Planning and Zoning
3 Commission finds that the application
4 complies with all other provisions of
5 these regulations, the Planning and Zoning
6 Commission may still deny the permit if
7 it concludes based on clear and convincing
8 evidence submitted at the hearing for the
9 following jurisdictional requirements.

10 "1. The use will be significantly
11 detrimental to the public health, safety
12 morals, or general welfare.

13 "2. The use will cause serious
14 injury to neighboring property use or
15 values.

16 "3. The use will not be compatible
17 with the plan for the area in question
18 and will [not]" --

19 Which I forgot to put in there.

20 "comply with applicable zoning standards
21 and regulations."

22 The next change is under Section 93 in letter C. We
23 added at the end of where we talk about you guys giving up to five
24 minutes per witness. It says now, "The Planning and Zoning
25 Commission reserves the right to modify the time parameters. If

1 the time parameters are to be modified, such will be set forth in
2 the Notice of Hearing."

3 So that's something we would do in the office when we
4 send out the public notice.

5 A minor change under Section 95(B). We just
6 eliminated the last half of that sentence. So it says, "The
7 Planning and Zoning Commission shall consider the application and
8 the attached staff report in a timely fashion." Period, no comma.

9 And then lastly in Section 97 on page 4.7, we
10 eliminated all the other things that you guys ought to think about
11 to put conditions on it. So now it just says:

12 "Subject to Subsection B of this
13 section in granting a conditional use
14 permit, the Planning and Zoning Commission
15 may but need not impose additional conditions
16 consistent with the jurisdictional questions
17 set forth in Section 92 above."

18 So those are the only changes we're proposing right
19 now in Article 4.

20 CHAIRMAN EVANS: Scottie, I notice that we
21 removed that noise or visual pollution. Is that because that was
22 unenforceable basically?

23 MS. EAGAN: Where did I remove that?

24 CHAIRMAN EVANS: Under E, 97(A), the last
25 point.

1 COUNTY ATTORNEY VINCENT: 3(C).

2 MS. EAGAN: Oh, yeah, yeah. Yeah, we -- I
3 mean, we have no regulations, we no way for anybody in our office
4 to go out and enforce any conditions we have with visual or noise,
5 anything like that.

6 CHAIRMAN EVANS: Any other comments or
7 questions? Jay?

8 COMMISSIONER SCHULTEHENRICH: I do, Bill.

9 In C -- and I know this is somewhat -- I guess,
10 Mark's probably put this as a legal --

11 MS. EAGAN: Mark can't hear you.

12 COUNTY ATTORNEY VINCENT: I can't hear you.

13 COMMISSIONER SCHULTEHENRICH: Under C,
14 under Section 92, there, I was saying that maybe Mark did this for
15 a legal reason or something. I'm not sure, but it says "based
16 upon clear and convincing evidence." I know clear and convincing
17 I've seen before, but why -- it sounds to me as though that
18 becomes a little bit more potentially argumentative, I guess, as
19 to what it is exactly. Whereas, the word evidence, based upon
20 evidence presented, appears as though that's pretty clear and
21 distinct in regards to what we base our decision upon. I'm just
22 curious as to what the words clear and convincing...

23 MS. EAGAN: Well, we had it in there
24 before. If you read what we deleted, we had it in there the
25 previous regulation. I mean, the way I read it -- Mark can

1 correct me -- is that something actually has to be presented at
2 the hearing that can be held up in court. So something
3 substantial, whether it be, you know, I guess an appraiser comes
4 in with records of a similar, you know, use in another area to
5 show what the property values did next door. So it has to be
6 actually evidence submitted to you guys to make that decision that
7 can also be held up if we have to go to court with it.

8 COMMISSIONER SCHULTEHENRICH: I bet if you
9 ask every one of us here on the Commission, I bet we'd all come up
10 with probably different answers as to what we would view to be
11 clear and convincing. So I guess --

12 COUNTY ATTORNEY VINCENT: It was in there
13 before.

14 COMMISSIONER SCHULTEHENRICH: Well, it may
15 have been -- it have been in the book before, but it maybe
16 provides the opportunity now to question it because of the change
17 taking place. So -- so bear with me. I'm just curious in that
18 regard as to what clear and convincing -- again, Mark, if you feel
19 that it's necessary to have that in there, I think we'll listen to
20 that, but I'm just again thinking that sometimes that leaves it
21 open as to what all of our views are to clear and convincing.

22 COUNTY ATTORNEY VINCENT: If you read the
23 states -- I'm sorry, the case law on condition use permits being
24 upheld, that's the standard. And what we're trying to do is match
25 what you guys do to what the courts will do.

1 So if you think -- for instance, you can't go by
2 percentage of evidence. You can't do that. If it's jump ball,
3 who wins? If it's 49 percent to 51 percent, who wins? What we're
4 expecting of you is the same thing the court expects of you, and
5 that is to consider all the evidence, but it has to be clear and
6 convincing. It can't be just a little bit above half. I's got to
7 be something that reasonable people who agree as clear and
8 convincing evidence. And unfortunately, guys, it's decided on a
9 case-by-case basis.

10 But that's what your standard that you have is the
11 same standard that will be looked at by a court. That's why it
12 was in there in the prior edition of these regulations, and that's
13 why we left. It's not nothing we've added.

14 COMMISSIONER HAIRE: So, Mark, I mean, it's
15 up to us how we had like a little lead-way. For example, if a
16 real estate agent came in and said, I think this is going to
17 reduce property values and gave no supporting evidence, and then
18 another one came in and said I have a simular situation and the
19 property values reduced by this and had the document to prove
20 that, that would be clear and convincing in one case but not in
21 the other.

22 COUNTY ATTORNEY VINCENT: Well, let's look
23 at it. Let's look at it a little differently. Say a real estate
24 agent comes in and testifies as to what that real estate agent
25 thinks will happen to the values, but it's just their opinion.

1 On the other side you have an appraiser who's a
2 certified appraiser comes in and testifies. That's clear and
3 convincing. That's the guy's opinion.

4 COMMISSIONER HAIRE: Right.

5 CHAIRMAN EVANS: And you might even have 20
6 property owners come in with an opinion and one appraiser.

7 COUNTY ATTORNEY VINCENT: That's correct.

8 CHAIRMAN EVANS: And your appraiser would
9 be clear and convincing.

10 COUNTY ATTORNEY VINCENT: But I can't sit
11 here tonight and tell you that in every situation what that clear
12 and convincing case will be until I hear it. But I can tell you
13 that if we don't use and find our stuff based upon clear and
14 convincing evidence, once it goes up to the court, if it's not
15 clear and convincing evidence that you relied upon, we're going to
16 get thrown out, we're going to lose.

17 CHAIRMAN EVANS: I have one other question.

18 And I don't know if this was in here before or if any
19 was added under Part 2, Section 92(C)(1), the use will be
20 significantly detrimental to public health, safety, morals, or
21 general welfare. Morals, is that going to be subjective to their
22 opinion?

23 COUNTY ATTORNEY VINCENT: Okay. I'll tell
24 you what I did, guys. There are books out here that list what
25 standards have been approved in other jurisdictions and by the

1 courts, the Court of Appeals and the Supreme Court. That one's
2 been approved just as that's worded that way. We tried to give
3 you all the little more latitude of what you consider that that's
4 what some of you all were asking for without going so far that we
5 just -- you know, you can't give a condition use permit.

6 The only thing that we did differently here is if you
7 look at above, it says that it will not materially endanger the
8 public health. This is significantly -- be significantly
9 detrimental to. I can show you the cases where that exact
10 language upheld by a court. What I tried to do in this situation
11 was to match things that have already been determined and include
12 those without going out on a limb and trying to create our own
13 stuff.

14 COMMISSIONER HAIRE: Mark, just a point of
15 clarification while we're on the subject. So let's say somebody
16 comes in and provides some documentation in that, but it's from
17 another jurisdiction. Is that -- is that important or not
18 important as far as --

19 COUNTY ATTORNEY VINCENT: Depends on what
20 it is.

21 COMMISSIONER HAIRE: Yeah. Okay.

22 COUNTY ATTORNEY VINCENT: It does. The
23 court system is kind of strange. Everybody's covered by the
24 Supreme Court, while there's three Districts Court of Appeal. And
25 those -- if you're in a case that's in that -- a given district,

1 it's bound by the Supreme Court and by its Court of Appeals
2 district. It's not bound by other Court of Appeals district.
3 It's precedential. It's not saying you must comply with -- when
4 you go down layers, there's tons of circuits. We are in the 21st
5 Judicial Circuit. Decisions in our circuit that have not been
6 appealed could be used as precedent for other cases in our
7 circuit, but one problem St. Louis County has nothing at all.

8 COMMISSIONER HAIRE: Okay.

9 COUNTY ATTORNEY VINCENT: So it depends on
10 what's coming up or what level it's coming from. If it's a US
11 Supreme Court and it says do it this way, well, you better do it
12 that way.

13 COMMISSIONER HAIRE: Yeah.

14 COUNTY ATTORNEY VINCENT: Yes, sir.

15 COMMISSIONER McLAREN: I took the question
16 a little bit different than what you asked.

17 COUNTY ATTORNEY VINCENT: Well, I may have
18 misunderstood what Dan wanted. So...

19 COMMISSIONER HAIRE: No.

20 COMMISSIONER McLAREN: No, I think it
21 probably was, but my addendum to that question would be if a real
22 estate attorney or an appraiser came -- an appraiser came then he
23 said this happened in Pettis County, that would be my question.
24 Just because it happened that it was detrimental to real estate
25 values, you know, 125 miles away, do we consider it to be --

1 COUNTY ATTORNEY VINCENT: You can, but what
2 happens. Normally when you have an appraisal comes in, you look
3 at several things, and one of them when you determine a comparison
4 of value is proximity to the subject property. There is a chart
5 that appraisers use that you look at the structure and based upon
6 what size the structure, what amenities are there, how old is it,
7 what kind condition is in, what are the comparable sales, how far
8 away they were, and you add and subject from that to come up with
9 a value.

10 So if we had one appraiser certified that had
11 comparable data from Franklin County and showed that it did not
12 affect it and another one that showed that --

13 COMMISSIONER McLAREN: Well, I'm just
14 assuming there would be only one appraiser that came here.

15 COUNTY ATTORNEY VINCENT: Well, that's not
16 necessarily the case. You can't do that.

17 COMMISSIONER McLAREN: If we're sitting
18 here considering evidence --

19 [crosstalk]

20 COUNTY ATTORNEY VINCENT: Well, no, but I'm
21 -- but if you're --

22 COMMISSIONER McLAREN: -- and we're trying
23 to make a decision based on --

24 COUNTY ATTORNEY VINCENT: I understand
25 that --

1 COMMISSIONER McLAREN: -- or not evidence

2 but --

3 COUNTY ATTORNEY VINCENT: -- but what I was

4 saying, Bill, --

5 COMMISSIONER McLAREN: If we wanted an

6 opinion --

7 COUNTY ATTORNEY VINCENT: -- is that if you

8 have two of them, which you could have one on each side, then the

9 one who is the farthest away is not really going to be a true

10 value. If you're in a situation where you only have --

11 COMMISSIONER McLAREN: I understand that,

12 but if we only have one --

13 COUNTY ATTORNEY VINCENT: You can discount

14 it if it -- you have to look at that same -- just because I come

15 in and say this stuff took place in Alaska and the value -- the

16 same circumstances affected the land and it all decreased in

17 value, that is not really relevant. I mean, it's relevant, but

18 it's not persuasive because it's not in close proximity to the

19 property. But that's what you all have to look at. I'm not sure

20 if any of you -- how many of you all have actually read and

21 appraisal and looked at the chart, but it's real easy to look at.

22 You look at a chart and you can see well, if this property is 50

23 miles away, that's not very persuasive, no matter if it's only one

24 appraiser here or not.

25 You got to remember though, real estate agents,

1 brokers, not experts. So bear that in mind. They have no more
2 persuasiveness as far as the court is concerned as you do to your
3 value of your own property.

4 So what I do at the hearings on appeals for property
5 values here for the County, real estate agents mean nothing. They
6 have -- their opinion is no more valuable than Jay's. But
7 appraisers are different.

8 COMMISSIONER HAIRE: Let's go back to what
9 Bill was saying. Let's say we have only one appraiser comes in.

10 COUNTY ATTORNEY VINCENT: Okay.

11 COMMISSIONER HAIRE: But he cites something
12 in New York City, then as far as we're concerned, that's clear and
13 not convincing. So we're at that point protected because it
14 really isn't any significance to what we are in our market.

15 COUNTY ATTORNEY VINCENT: That's exactly
16 right.

17 COMMISSIONER HAIRE: Okay.

18 COUNTY ATTORNEY VINCENT: Yeah. And that's
19 where that chart comes down. They all have to -- he may be from
20 New York City, but if he comes in and uses Franklin County values,
21 that's different.

22 COMMISSIONER HAIRE: Yeah.

23 COUNTY ATTORNEY VINCENT: Okay. We have a
24 situation going on right now with all the utility -- national gas
25 lines in the eastern half of Missouri, and they're doing

1 appraisals from all over the country using that value in those.

2 I think one that we're using is out of Minnesota, but
3 he's using Missouri data. Okay. So that's what controls the
4 value. You guys are both right on. If it is not something that
5 you would consider in close proximity as part of the appraisal,
6 don't pay attention to it. You can discount it, and the court
7 will not blame you for that. But if you have two appraisals and
8 one is close and one's far away and you rely on the one that's far
9 away, then the court's not going to accept that.

10 Thank you.

11 MS. EAGAN: Thank you.

12 CHAIRMAN EVANS: Any other questions or
13 comment? Other than those few changes, it seems like a lot of the
14 things have just kind of moving around.

15 MS. EAGAN: Yeah, and to be honest with
16 you, this isn't what Article 4 is going to look like in the end
17 because we have still have Article 4 that you guys approved months
18 ago with the all the BOZA changes. So we're going to bring them
19 all up at once to the County Commission.

20 COUNTY ATTORNEY VINCENT: One thing there
21 are -- you all do have more latitude under this. You have
22 significantly more latitude.

23 CHAIRMAN EVANS: Right. And I think before
24 that was one of the issues we had is basically said health and
25 safety and we were rather constrained about that. So it does give

1 us more latitude.

2 COUNTY ATTORNEY VINCENT: Yes, sir, it
3 does.

4 CHAIRMAN EVANS: If there are no other
5 comments, questions, Chair would entertain a motion to move this
6 to Old Business.

7 COMMISSIONER SCHULTEHENRICH: I make what
8 motion, Mr. Chairman.

9 COMMISSIONER McLAREN: Second.

10 CHAIRMAN EVANS: We have a motion and a
11 second to move File 150235 to Old Business. All in favor signify
12 by saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER SCHULTEHENRICH: Aye.

23 CHAIRMAN EVANS: Opposed? [None]

24 Motion is carried.

25 We'll move to File 150236, Planning and Zoning

1 Department. No public comments accepted.

2 Scottie, if you'd please give us the details.

3 MS. EAGAN: The changes in Article 8 are
4 things that were missed back in April of 2014.

5 So the first change is on page 8.8. It's kind of
6 hard to see it, but it's letter C. I have this wording under the
7 General Requirements of Minor Subdivisions, but I didn't have it
8 under Minor Subdivision Streets, and it was confusing a lot of
9 people. So now not only do we have that wording in General Work
10 [sic] Requirements, we also have it under Minor Subdivision
11 Streets.

12 And then on page 8.16, it's the same thing. The
13 wording in letter B was in General Requirements, but it wasn't
14 under Major Subdivision Road, and we had some developers really
15 confused about what our requirements were for the road since it
16 didn't say it under the road, so we just added it there.

17 Then finally on page 8.18, letter F it still said
18 that any subdivision with more four lots, less than five acres.
19 We never changed it back to six, which is what is still considered
20 minor subdivisions.

21 Those are the only changes for Article 8.

22 CHAIRMAN EVANS: Any comments or questions
23 there? It seemed pretty straightforward.

24 If there is no comments --

25 COMMISSIONER WILLIAMS: I have one.

1 CHAIRMAN EVANS: Ron?

2 COMMISSIONER WILLIAMS: Scottie, on the
3 wording in here for the radius, --

4 MS. EAGAN: Uh-huh.

5 COMMISSIONER WILLIAMS: -- it says for the
6 right-of-way it's 50 feet or 48 feet with an island. Can you
7 clarify the island for me?

8 MS. EAGAN: By that I mean?

9 COMMISSIONER WILLIAMS: Yes.

10 MS. EAGAN. Like if -- I don't -- I can't
11 even think of an example, but if you're coming in and rather than
12 just have it all concrete, they have just like the center portion
13 planted with plants or trees or shrubs and then the cul de sac is
14 around it. And I think I know where you're going with it, that
15 the radius is less when it has an island, and to be completely
16 honest with you, I took this out of the regulations that were
17 written before we completely changed it.

18 And I don't understand why it's less either, but for
19 some reason, that's how they did it where you can definitely
20 change to make it what you think it should be. I mean, you're
21 more of a road guy than I am.

22 COMMISSIONER WILLIAMS: It seems rather
23 odd, let's put it that way.

24 MS. EAGAN: And I've seen some regulations
25 where they do their radius of cul de sac at 40 feet instead of 50.

1 I know Boles Fire District would like it to be 50, but they're
2 okay with it being 40 if there's nothing like an island in it
3 because we've had issues with that.

4 COMMISSIONER WILLIAMS: I would --
5 personally I would think it would be easier to just make it all
6 50 feet whether you put an island in there or not and be done with
7 it.

8 MS. EAGAN: Okay. I'm -- I mean, I'm
9 completely fine with changing it.

10 CHAIRMAN EVANS: I think it would be a
11 little bit more consistent if there's no real reason.

12 COMMISSIONER WILLIAMS: The issue with cul
13 de sacs has always been the emergency vehicles could never get
14 around them. It doesn't make a lot of sense to me to make it two
15 feet less and then stick an island in the middle as another
16 detriment.

17 MS. EAGAN: No, I understand completely.

18 COMMISSIONER WILLIAMS: In facts...

19 COMMISSIONER BOLAND: Was that for -- are
20 you saying is that for all roadways?

21 COMMISSIONER WILLIAMS: Whatever ones
22 require a cul de sac, yeah.

23 CHAIRMAN EVANS: Yeah. I think that's
24 legitimate there.

25 Any other questions or comments? If not --

1 MS. EAGAN: Was there something else we
2 were going to bring up? There was something else we were going
3 the bring up in Article 8 or 4.

4 COMMISSIONER BOLAND: Yeah, come on.

5 MS. ZIELKE: Thanks, Scottie.

6 MS. EAGAN: I remember something that we
7 talked about, but there is something in Article 4 I do want to
8 bring up before you guys vote on it when you bring -- open that
9 file again. It's more of a question for Mark than you guys,
10 but...

11 CHAIRMAN EVANS: Okay. On Article 8 then,
12 any other comments or questions? [None]

13 The Chair would entertain a motion to move this to
14 Old Business with the proposed change of 50 feet.

15 COMMISSIONER CUNIO: So moved

16 COMMISSIONER HAIRE: Second.

17 CHAIRMAN EVANS: We have a motion and a
18 second to move File 150236 to Old Business. All in favor signify
19 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.

1 COMMISSIONER BOLAND: Aye.

2 COMMISSIONER HAIRE: Aye.

3 COMMISSIONER TOBBEN: Aye.

4 COMMISSIONER SCHULTEHENRICH: Aye.

5 CHAIRMAN EVANS: Opposed? [None]

6 Moving back to Old Business. File 150235. Scottie.

7 MS. EAGAN: Yes. This is -- we have a new
8 policy in our office of an additional form that we require people
9 to fill out for any type of permit. It basically is give us your
10 full name, birthday, either Social Security number or driver's
11 license, your actual mailing address.

12 Is that something we should put in Article 4 that we
13 require it?

14 COUNTY ATTORNEY VINCENT: I don't think you
15 need to.

16 MS. EAGAN: Okay.

17 COUNTY ATTORNEY VINCENT: Again, not if you
18 put it in your rules and not in regulations? You're putting...

19 MS. EAGAN: I'm just wondering if we have
20 the right to reject an application if our regulations don't say
21 anything about...

22 COUNTY ATTORNEY VINCENT: You feel safer
23 doing it, fine.

24 MS. EAGAN: Okay.

25 COUNTY ATTORNEY VINCENT: I don't have any

1 problem with that. Do they know what the issue?

2 MS. EAGAN: No.

3 COUNTY ATTORNEY VINCENT: Because we had it
4 happen again today.

5 MS. EAGAN: We did?

6 COUNTY ATTORNEY VINCENT: Yes.

7 MS. EAGAN: Okay.

8 COUNTY ATTORNEY VINCENT: When it comes to
9 some zoning violations, there's a lot of people, for example,
10 named John Smith. We found today there was somebody owns a
11 company that owns some property. It's a property that's in
12 violation of the zoning code. The company is owned by John D.
13 Smith. He lives in Belleview, Missouri is what the application
14 says.

15 If you look on the internet you find on the inter-web
16 and find out that there is 66 John D. Smiths in the state of
17 Missouri. None of them live at that address. So we can't them.
18 We can't find them. We have had that happen several times, and so
19 what we're asking them to do is that if you want to do this thing,
20 we want you to give us more information so that we can find you
21 when you violate -- if you violate this.

22 We have two files there. There is a private file
23 that's protected, that's not open to public record because
24 Missouri law provides that you can close certain things that are
25 otherwise protected by law. We have to protect people's privacy

1 rights, but if they have made out the application and then they
2 have -- they are granted a conditional use permit, for example,
3 and then are in violation and we can't find them, there's nothing
4 we can do. And like I said, Joe is looking today at a 66 or 67
5 John D. Smiths, but none of them live in the place where he's told
6 us he was living.

7 COMMISSIONER REINHOLD: Do you know about
8 the tax bill?

9 COUNTY ATTORNEY VINCENT: Nope, there's some
10 J. D. Smith. Actually, it says it says the corporation. So we
11 had to backtrack from the corporation to who owned the
12 corporation, find out who that is. You can't put a corporation in
13 jail. You can fine them if they have any money if you can find
14 the agent to be served, but you can't -- the way corporations and
15 LLCs are setup, there is a registered agent for corporation and a
16 managing partner or managing member for an LLC, and if you're
17 going to file something against them, that's who you have to
18 serve.

19 If you can't find them, you can't serve them, you
20 can't do anything about it. There is a thing called in rim
21 jurisdiction where if we wanted to go to the cost and the expense
22 of, we could post the property like we did up in Beauford years
23 ago and clean it up ourselves, but then -- and put a tax lien
24 against it, but that cost tons of money to do that. And we
25 decided that we're not going to do that anymore.

1 So no matter how you trace it back, we need more
2 information to be able to find people who violate our codes. So
3 we're asking that, and I'll defer to Scottie on this one. It's
4 one that she and Nikki and Tori deal with day in and day out to
5 put it in the regulations someplace so we have -- they're covered
6 and have the authority to say you're application will be in two
7 parts, the public part and the private part will be these things.
8 Okay? That's why. And I would like to sit down and talk to you
9 guys more, Nikki and Tori and Scottie, about why we can't go after
10 companies unless we know who owns the company and where they are.
11 Okay?

12 MS. EAGAN: Uh-huh.

13 COUNTY ATTORNEY VINCENT: Bill?

14 CHAIRMAN EVANS: Yeah. I think the other
15 thing with LLCs, corps and S-corps when we establish that it was a
16 legal entity in the state of Missouri, you fill out the forms, and
17 they do not -- all you have to do is fill out the forms. They
18 don't ask for any identification as long as you pay your corporate
19 fee, the State is good.

20 COUNTY ATTORNEY VINCENT: And it's real
21 easy to use a shell where you have -- on a corporation especially.
22 You have a registered agent that could be -- there is a CT
23 corporation system done in St. Louis that's probably a registered
24 agent for 50 percent of the big corporations in the state of
25 Missouri. They have nothing to do with the corporation, and you

1 have no right to know who the shareholders or stockholders of the
2 corporation are. So that's why you do it. That's why you have us
3 lawyers, man.

4 CHAIRMAN EVANS: Yeah. But even with the
5 State is you put down who the shareholders are, they still won't
6 verify the personal information that you try and track them down.
7 So...

8 COUNTY ATTORNEY VINCENT: You don't have to
9 list the shareholders.

10 CHAIRMAN EVANS: So, Scottie, what did you
11 want to -- do you want to do something with that now, or you going
12 to come back with more on Section 4 anyway?

13 MS. EAGAN: I'm not coming back with any
14 more on 4, no.

15 CHAIRMAN EVANS: On four?

16 MS. EAGAN: Yeah. Is it something I can
17 just take to the County Commission, or do I have to bring it back
18 to them?

19 COUNTY ATTORNEY VINCENT: You can -- you
20 have nothing else coming back at all?

21 MS. EAGAN: I mean, not at this moment that
22 I can think of.

23 COUNTY ATTORNEY VINCENT: Wow.

24 CHAIRMAN EVANS: So we're looking as far
25 as -- do you want to add it to the regulations?

1 MS. EAGAN: Potentially, because I was
2 speaking with our conflict attorney about potentially rejecting an
3 application because they didn't turn in that -- that form, and he
4 said there's nothing in the regulations that says they have to
5 turn it in.

6 We do have, though, a stipulation that says, which we
7 could defer to it, says -- where is it? It says the Planning and
8 Zoning Department may at their discretion -- no, that's not it.
9 It basically says we have the right to require more or less
10 depending on the application, because every situation is
11 different. So I don't know if we could classify it under that.

12 COUNTY ATTORNEY VINCENT: That's what you
13 can.

14 MS. EAGAN: Okay.

15 COUNTY ATTORNEY VINCENT: But they can also
16 tell you tonight take that section and include the specifics that
17 you're talking about tonight and send it to -- include that as
18 part of the proposed changes.

19 MS. EAGAN: Okay, as part of their
20 recommendation?

21 COUNTY ATTORNEY VINCENT: Uh-huh. But
22 that's what I was saying before, that I don't think it's
23 absolutely necessary because you have that.

24 MS. EAGAN: Right.

25 CHAIRMAN EVANS: So are you saying you want

1 to add something tonight, or do you want to go back and come up
2 with wording for it.

3 MS. EAGAN: Well, it says in letter D on
4 page 4.2:

5 "All of the information set forth
6 herein is necessary to satisfy the
7 requirements of this section. However,
8 it is recognized each development is
9 unique, and therefore, the permit issuing
10 authority may allow less information or
11 require more information to be submitted
12 according to the needs of the particular
13 case."

14 Maybe I will just leave it at that because we don't
15 require it for somebody who wants a zoning verification.

16 COUNTY ATTORNEY VINCENT: Right. You just
17 do it for permits.

18 MS. EAGAN: Right. Okay. So ignore
19 everything I just said to you.

20 CHAIRMAN EVANS: Okay. It would seem like
21 that would give you the discretion on a case-by-case basis.

22 MS. EAGAN: Right. As long as we can win
23 in court if I reject it for that reason, I'm okay with it.

24 COUNTY ATTORNEY VINCENT: I don't see where
25 you have a problem.

1 MS. EAGAN: Okay.

2 COUNTY ATTORNEY VINCENT: You're not going
3 to use that part anyway. You're going to use it to get him in to
4 court.

5 MS. EAGAN: Right. Just knowing what I was
6 dealing with they would use that part in court.

7 COUNTY ATTORNEY VINCENT: No problem.

8 COMMISSIONER REINHOLD: Can you change the
9 application that you have, that application?

10 MS. EAGAN: It's now attached to the
11 application.

12 COMMISSIONER REINHOLD: Oh, it is? Okay.

13 MS. EAGAN: But they got the application on
14 line before it changed, and I don't know how many copies of it
15 they had. So ...

16 MS. ZIELKE: I'm sorry. I only have one
17 concern with that and that is that is says the permit issuing
18 authority may require more information. So someone could say that
19 the Planning and Zoning Commission didn't require it.

20 COUNTY ATTORNEY VINCENT: The whole issue
21 is in certain cases you have just the permit application.

22 MS. ZIELKE: Right, in some.

23 MS. EAGAN: I guess, could we have each
24 board put something into place that they require it for their
25 application, not necessary in the regulation, something separate?

1 COUNTY ATTORNEY VINCENT: I'll just make it
2 and ask them for authority to recommend a change to include that
3 information in that paragraph D that you're talking about.

4 MS. EAGAN: Okay.

5 COMMISSIONER REINHOLD: How hard would it
6 be to change the form --

7 COUNTY ATTORNEY VINCENT: That's what I'm
8 saying, but with your authority.

9 COMMISSIONER REINHOLD: Oh, I see.

10 COMMISSIONER HAIRE: If -- Mark, if you
11 change the form and then someone wanted it, would you redact
12 that, that part, for -- to protect the privacy then?

13 COUNTY ATTORNEY VINCENT: We would do it.
14 The form can be two pages, and we separate the pages. We would
15 never have them together.

16 MS. EAGAN: We have them in a separate
17 file.

18 MS. ZIELKE: We have them in a locked
19 drawer.

20 CHAIRMAN EVANS: So that persona
21 information would just be verified, but not part of the forms --

22 COUNTY ATTORNEY VINCENT: Right.

23 CHAIRMAN EVANS: -- that are used?

24 MS. EAGAN: We just fold it up and put it a
25 locked drawer until we need it.

1 COMMISSIONER CUNIO: And the personal
2 information is what you would need to track them, right?

3 MS. EAGAN: Correct.

4 COMMISSIONER CUNIO: And exactly what is
5 that personal information, Social Security number?

6 MS. EAGAN: It is name, mailing address,
7 birthday, either Social Security number or driver's license.

8 COMMISSIONER CUNIO: Can we require by law
9 Social Security number?

10 COUNTY ATTORNEY VINCENT: Yeah, we give
11 them a choice.

12 MS. EAGAN: It's either/or.

13 COUNTY ATTORNEY VINCENT: They don't have
14 to -- they can give us one or the other, whichever one they
15 choose.

16 MS. EAGAN: And most people actually just
17 give us their Social Security number. So...

18 COUNTY ATTORNEY VINCENT: Some people don't
19 like to do that. So that's fine. The only thing just may ask you
20 do differently is not the mailing address but their actual place
21 of residence.

22 MS. EAGAN: Yeah, I think that's how it's
23 worded on the form, home address, I think.

24 MS. ZIELKE: I think it says home address,
25 and then it says it can't be a PO box.

1 COUNTY ATTORNEY VINCENT: Right. It can't
2 be a PO box.

3 MS. EAGAN: Right.

4 COMMISSIONER REINHOLD: Couldn't you just
5 say you want a copy of their driver's license?

6 MS. EAGAN: I guess we could do that too.

7 COUNTY ATTORNEY VINCENT: Either way.

8 COMMISSIONER HAIRE: You may in some cases,
9 driver's licenses are easily...

10 MS. ZIELKE: Well, some people issued mail
11 their applications in.

12 MS. EAGAN: Yeah, that's true too. I mean,
13 I'm fine with the way we're doing it. I was just worried by not
14 having anything in the Code to potentially reject it for.

15 COUNTY ATTORNEY VINCENT: Let's just add it
16 to the Code with their permission.

17 MS. EAGAN: You guys want to make that
18 recommendation that we can add that and send it on to the
19 Commission?

20 COMMISSIONER BOLAND: Sure.

21 COMMISSIONER SCHULTEHENRICH: If you want
22 -- and is it that important to do this tonight or so or would you
23 want to present that potential wording to the Review Committee,
24 send it to the Review Committee and let them come back with their
25 recommendation at the next meeting for that?

1 COMMISSIONER BOLAND: Jay, I don't think
2 that's big of a deal. I think we understand what she wants. I
3 think we can all agree to what she wants here this evening in
4 regards to the information she wants, you know. Say it and move
5 on, and be done with it.

6 [crosstalk]

7 COMMISSIONER SCHULTEHENRICH: I'm always a
8 little bit -- I'm always a little bit, I guess, cautious on that,
9 okay, because I think sometimes if we are here as a party, we
10 should be looking over the wording ourselves we give a nod of
11 approval to it. So that's always a caution that I certainly wish
12 to side on, let's just say.

13 COMMISSIONER BOLAND: Yeah, but all she
14 wants is names, phone number, address. I mean, it's pretty
15 simple.

16 MS. EAGAN: And I wouldn't say you guys
17 approved that recommendation. I would say you guys approved me to
18 put wording in there.

19 COUNTY ATTORNEY VINCENT: Why don't we do
20 this. Let's just bring it back next month, the whole thing, back
21 to you guys next month?

22 MS. EAGAN: That's fine.

23 COUNTY ATTORNEY VINCENT: Put this -- all
24 of the pages of Article 4 -- put over till next month, and we'll
25 add that to it, and have one hearing for the Commission.

1 COMMISSIONER SCHULTEHENRICH: I think
2 that's fair.

3 CHAIRMAN EVANS: So are you -- so basically
4 you're just going to go back and come up with something that would
5 require from the applicant personal information sufficient to
6 identify who they are?

7 MS. EAGAN: Yes.

8 COUNTY ATTORNEY VINCENT: We'll also bring
9 you guys a copy of the revised application so that you can see it.

10 CHAIRMAN EVANS: Okay.

11 COMMISSIONER SCHULTEHENRICH: Sounds fine.

12 CHAIRMAN EVANS: All right. We'll go ahead
13 then and do that. So if need to go ahead and probably table this.

14 COUNTY ATTORNEY VINCENT: That way we only
15 have one hearing. So...

16 You guys don't know how hard it is to get the
17 Commission to schedule hearings.

18 MS. EAGAN: It's very difficult.

19 CHAIRMAN EVANS: All right. The Chair
20 would entertain a motion to table this.

21 COMMISSIONER HAIRE: So moved.

22 COMMISSIONER McLAREN: Second.

23 CHAIRMAN EVANS: We have a motion and a
24 second to table the File 150210 -- or I'm sorry -- 150235. All in
25 favor signify by saying aye.

1 COMMISSIONER REINHOLD: Aye.

2 COMMISSIONER VOSS: Aye.

3 COMMISSIONER McLAREN: Aye.

4 COMMISSIONER CUNIO: Aye.

5 CHAIRMAN EVANS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER HAIRE: Aye.

8 COMMISSIONER TOBBEN: Aye.

9 COMMISSIONER SCHULTEHENRICH: Aye.

10 CHAIRMAN EVANS: Opposed?

11 COMMISSIONER WILLIAMS: Nay.

12 CHAIRMAN EVANS: Motion is carried.

13 Moving on to File 150236, Article 8. Are there any
14 comments, questions? If there are none --

15 COMMISSIONER SCHULTEHENRICH: I'll make a
16 motion that we go ahead and approve or recommend the approval of
17 Article 8 as presented.

18 COMMISSIONER REINHOLD: I'll second it.

19 CHAIRMAN EVANS: We have a motion and a
20 second to approve File 150236. All in favor signify by saying
21 aye.

22 MS. EAGAN: With the changes on the cul de
23 sac.

24 CHAIRMAN EVANS: With the changes on the
25 cul de sac, thank you. Did we vote. All in favor signify by

1 saying aye.

2 COMMISSIONER REINHOLD: Aye.

3 COMMISSIONER VOSS: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER CUNIO: Aye.

6 COMMISSIONER WILLIAMS: Aye.

7 CHAIRMAN EVANS: Aye.

8 COMMISSIONER BOLAND: Aye.

9 COMMISSIONER HAIRE: Aye.

10 COMMISSIONER TOBBEN: Aye.

11 COMMISSIONER SCHULTEHENRICH: Aye.

12 CHAIRMAN EVANS: Opposed? [None]

13 Motion is carried.

14 Preliminary Plats. We have none.

15 Planning and Zoning Commission Forum. Anything that
16 the Commissioners care to discuss?

17 I did have one thing that was brought up last meeting
18 and regarding the CUP if there is opposition and the fact that it
19 was sent to the Review Committee.

20 And looking and talking to everybody, it is not in
21 the by-laws that if there is opposition it must be sent to the
22 Review Committee. It's just by precedent has been sent, and so
23 when I asked for a motion to send it to the Review Committee, I
24 should have asked for a motion to either send it to Old Business
25 or to the Review Committee. And to send it to Old Business does

1 require a unanimous vote, but it is not in the by-laws to
2 immediately send it if there is opposition.

3 And because some cases we want to hear that we want
4 to look at the opposition is bringing up, and in other cases, it
5 may be what we might consider insignificant. But Todd had brought
6 that up, and so I just wanted to clarify that.

7 Anything else that anyone would like to discuss?

8 [None]

9 Planning Director's Report?

10 MS. EAGAN: I know there was some confusion
11 last -- I guess it was last month when we wrote it for officers
12 and Review Committee. Everyone on the Review Committee, are you
13 happy being on Review Committee, because I know a lot of you were
14 shocked all of sudden that you were on Review Committee and that
15 Bill and Jay weren't on Review Committee?

16 As long as everyone is happy, I'm okay with keeping
17 it, but I know there was a lot of confusion afterwards and people
18 talking to me about how did I end up here or how did Bill not end
19 up here. Or is it something do you want to consider? It's all up
20 to you. If changing your by-laws to where Review Committee is
21 automatically made up of the chairman, co-chairman and Highway
22 administrator, or we vote on it every -- every year.

23 Just throwing it out there.

24 COMMISSIONER SCHULTEHENRICH: I think the
25 votes were taken, and I think that's -- unless somebody -- I mean,

1 I feel strongly about Bill being an alternate. Okay, not myself,
2 but Bill being an alternate, that would require somebody who is to
3 maybe step over and become an alternate. But I think the vote was
4 taken, okay. I think -- and I think unless somebody comes forward
5 to submit something to you, I think the votes would stand in that
6 regard. Okay.

7 CHAIRMAN EVANS: Yeah, I think the vote was
8 taken. I think there is a benefit to having an officer on the
9 Review Committee just because then when you're here sharing it,
10 you have some idea what actually took place in. And this last
11 meeting wasn't too bad, but we've had some Review Committee
12 meetings where you have 50 or a hundred people there, and in those
13 cases it's kind of good to have somebody there. So it may be
14 something going forward we want to certainly look and having at
15 least one officer or the Highway director on the Review Committee.
16 And so far we haven't hit one of those meetings, but if they do
17 come up, then there could be some issues or difficulties.

18 COMMISSIONER BOLAND: There's no reason why
19 you couldn't be at the meeting, though?

20 CHAIRMAN EVANS: Yeah. No, I could show
21 up.

22 MS. EAGAN: Right.

23 COMMISSIONER BOLAND: Yeah.

24 MS. EAGAN: As long as everybody is happy,
25 I'm okay with it. And I have nothing else.

1 Oh, sorry. We did have a new Commissioner. Tom
2 Tobben from St. Johns Township took over John's spot. So thank
3 you for wanting to do this with us.

4 CHAIRMAN EVANS: Yes, and we welcome you.
5 And as you also all know, there was an editorial in "The
6 Missourian" mentioned John's name and talk about his long years of
7 service and also the fact that recognized those of us who do do
8 public service and that the -- this is a -- sometimes a difficult
9 board to serve on, but recognized everybody in public in service,
10 and especially John. So...

11 MS. EAGAN: And I do have one more thing.
12 As you guys noted, Bill read a disclosure at the beginning of the
13 meeting. I went to a ACA conference, and they recommended you do
14 that just in case there is anyone on your board that might have a
15 relationship or do business or, you know, is neighbors with so and
16 so, that that's the time to let everybody know what your
17 relationship is so there isn't any sort of -- even if it looks
18 like a conflict, we're going to put it out there for everyone to
19 know that, yeah, I've done business with this guy in the past, but
20 it's not going to affect how I vote. So just in the future we're
21 going to read that at every meeting. If you guys have any
22 relationships or businesses, just put it out there at that time.

23 CHAIRMAN EVANS: Okay. Do the gentlemen by
24 the table have anything that they want to add?

25 COMMISSIONER McLAREN: Could I ask a

1 follow-up question on that?

2 CHAIRMAN EVANS: Yes.

3 COMMISSIONER McLAREN: At what point do we
4 need to recuse ourselves if --

5 MS. EAGAN: From my understanding, only if
6 you have a financial gain.

7 COUNTY ATTORNEY VINCENT: Okay.

8 COMMISSIONER McLAREN: I just wanted the
9 old guy to walk up there.

10 COUNTY ATTORNEY VINCENT: Good one. How
11 many fake knees do you have? I have three.

12 Conflict comes about if you have a direct personal
13 and financial interest in something or some member of your
14 immediate family. If you're looking about a 14th cousin, you
15 don't worry about it. You're talking about it may benefit the
16 Rotary Club or the Lions, it has no conflict to you unless they're
17 kicking you back under the table some way. So it's a true
18 conflict. If you vote in favor of this, will it benefit the value
19 of your property, will your wife get a job, something of that
20 nature. It's got to be a direct true benefit.

21 Okay? That makes sense?

22 COMMISSIONER McLAREN: But you still want
23 us to, you know -- and six months ago when my neighbor was up here
24 for a CUP, you know, I would think me being his neighbor, I can
25 speak to what the property is better than anybody besides him.

1 COUNTY ATTORNEY VINCENT: No question about
2 it.

3 COMMISSIONER McLAREN: But I should say I'm
4 his neighbor?

5 COUNTY ATTORNEY VINCENT: It wouldn't hurt
6 at all to disclose it, but the you have no -- here's what happens.
7 If it could come out that you think you have conflict, you cannot
8 even participate in the discussion. And you abstain right from
9 that point.

10 So if you have a conflict and if this thing is
11 approved, your wife or spouse is going to get a big-time job out
12 of it, you have to declare that and you got to get away from the
13 group -- table.

14 CHAIRMAN EVANS: That happened before with
15 Russ, just an employee of the Ameren.

16 COUNTY ATTORNEY VINCENT: Uh-huh. And he
17 -- probably no financial benefit to him, but just being an
18 employee of a company who was here.

19 COUNTY ATTORNEY VINCENT: Right. If you
20 are -- if this thing, this application, results in you getting
21 work, that's a conflict, and you can just say, hey, I got a
22 conflict. There's no statement. You just get up and you sit out
23 in the audience until that one's done, and you come back. It
24 doesn't do any good to discuss it or take part in the discussion
25 about the topic and then not vote. That's not abstention.

1 Abstaining means from the time the discussion of that
2 issue starts until it's completed, you don't participate. Okay?

3 CHAIRMAN EVANS: And I think if there is
4 any question, just call Mark.

5 COUNTY ATTORNEY VINCENT: Right, I'm the
6 king of conflict. Did I really say that?

7 CHAIRMAN EVANS: You can sit down now,
8 unless somebody has another question from Mark. Wait till he's
9 seated. Nothing else?

10 COUNTY ATTORNEY VINCENT: You know, that
11 you come into the old courthouse have you seen the Purple Heart
12 plaque? If you haven't, go over there and see it. It turned out
13 really cool. It recognizes all the people from Franklin County
14 from any war that's ever received the Purple Heart. It is
15 awesome. The County Commissioner let it be done, and it worked
16 out cool.

17 CHAIRMAN EVANS: Okay. If there is nothing
18 else, the Chair would entertain a motion to adjourn. If John's
19 not here, I don't know who can make that motion.

20 COMMISSIONER TOBBEN: I'll motion.

21 COMMISSIONER BOLAND: Second.

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

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER VOSS: Aye.

1 COMMISSIONER McLAREN: Aye.
2 COMMISSIONER CUNIO: Aye.
3 COMMISSIONER WILLIAMS: Aye.
4 CHAIRMAN EVANS: Aye.
5 COMMISSIONER BOLAND: Aye.
6 COMMISSIONER HAIRE: Aye.
7 COMMISSIONER TOBBEN: Aye.
8 COMMISSIONER SCHULTEHENRICH: Aye.
9 CHAIRMAN EVANS: Opposed? [None]
10 The meeting is adjourned.
11 [Thereupon, the proceedings concluded at
12 7:51 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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