

1 FRANKLIN COUNTY PLANNING AND ZONING
2 FRANKLIN COUNTY COMMISSION
3 FRANKLIN COUNTY GOVERNMENT CENTER
4 SECOND FLOOR COMMISSION CHAMBERS
5 400 EAST LOCUST STREET
6 UNION, MISSOURI 63084

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10 TRANSCRIPT OF PROCEEDINGS
11 PUBLIC HEARING
12 NOVEMBER 21, 2017
13 (Commencing at 7:00 p.m.)
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22

23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Alaris Litigation Services

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1 A P P E A R A N C E S
2 PLANNING AND ZONING COMMISSIONERS:
3 Bill Evans, Chairman
4 Tim Reinhold, Commissioner
5 Stanley Voss, Commissioner
6 Bill McLaren, Commissioner
7 Ray Cunio, Commissioner
8 Ron Williams, Commissioner
9 Dan Hair, Commissioner
10 Tom Tobben, Commissioner
11 Jay Schulteheinrich, Co-Chairman
12 Russell McCreary, Commissioner
13 PLANNING AND ZONING STAFF:
14 Scottie Eagan, Planning Director
15 Nichole Zielke, Planner
16 COUNTY LEGAL COUNSEL:
17 Mark Vincent, County Attorney
18
19 ALARIS LITIGATION SERVICES:
20 By: Patsy A. Hertweck, C. R.
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25

1 P R O C E E D I N G S
2 (NOVEMBER 21, 2017)
3 CHAIRMAN EVANS: I'd like to go
4 ahead and call to order the November 21st meeting of
5 the Franklin County Planning and Zoning Commission.
6 Scottie, will you please take roll.
7 MS. EAGAN: Bill Evans?
8 CHAIRMAN EVANS: Here.
9 MS. EAGAN: Jay Schulteheinrich?
10 CO-CHAIRMAN SCHULTEHENRICH:
11 Here.
12 MS. EAGAN: Todd Boland?
13 COMMISSIONER BOLAND: (Not
14 present.)
15 MS. EAGAN: Tim Reinhold?
16 COMMISSIONER REINHOLD: Here.
17 MS. EAGAN: Ray Cunio?
18 COMMISSIONER CUNIO: Here.
19 MS. EAGAN: Tom Tobben?
20 COMMISSIONER TOBBEN: Here.
21 MS. EAGAN: Bill McLaren?
22 COMMISSIONER McLAREN: Here.
23 MS. EAGAN: Stan Voss?
24 COMMISSIONER VOSS: Here.
25 MS. EAGAN: Dan Haire?

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Russel McCreary?

3 COMMISSIONER McCREARY: Here.

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Okay. We have a

7 quorum.

8 CHAIRMAN EVANS: Thank you.

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

14 COMMISSIONER McLAREN: Mr.
15 Chairman, I have to excuse myself from Old Business
16 File 170191.

17 COMMISSIONER TOBBEN: Same here,
18 Mr. Chairman, recusing myself from that file.

19 (Thereupon, Commissioners
20 McLaren and Tobben recused themselves
21 from the proceedings on File 170191.)

22 CHAIRMAN EVANS: All right.
23 Thank you.

24 Scottie, will you please give us a
25 presentation of the meeting minutes -- I'm sorry --

1 meeting procedures and exhibits.

2 MS. EAGAN: Tonight's Planning
3 Commission meeting is governed by the Franklin County
4 Unified Land Use Regulations.

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

12 At this time, I would like to place into
13 the record these Regulations as Exhibit A, the official
14 Zoning Map as Exhibit B, the official Master Plan as
15 Exhibit C, and the case file for each case as Exhibit D
16 for all the cases to be heard during the meeting.

17 (Thereupon, evidence was marked
18 for identification and presented for
19 the record as Planning and Zoning
20 Exhibits A, B, C, and D.)

21 All Old Business items on the agenda will
22 be dealt with first.

23 Once the Old Business issues have been
24 taken care of, each item of New Business will be
25 opened.

1 All the Commissioner should have received
2 a copy of the October 17th meeting minutes. If there
3 are no corrections, changes or additions, the Chair
4 would entertain a motion to approve.

5 CO-CHAIRMAN SCHULTEHENRICH: Mr.
6 Chairman, I do have a correction to be made on the
7 minutes, please.

8 CHAIRMAN EVANS: Okay. And what
9 would it be?

10 CO-CHAIRMAN SCHULTEHENRICH: On
11 page 38, it recognizes -- it says on the bottom of page
12 38, it says, "Co-Chairman Schultehenrich," my comment
13 was the minutes reflect Todd, do you have a question,
14 comma, and then it goes on Commissioner Tobben. So we
15 had Mr. Tobben recused himself from the participation
16 in this file last meeting. I did not recognize
17 Commissioner Tobben. I recognized Todd. It should
18 reflect Todd, did you have a question? And then
19 Commissioner Boland said go ahead. Okay.

20 So that should be reflected that I did not
21 recognize the Commissioner who had recused himself.
22 Okay.

23 That's one and then I did have a second
24 one that I'd like also to suggest to be changed.

25

1 MS. EAGAN: Jay, can you use your
2 microphone.

3 COMMISSIONER SCHULTEHENRICH:
4 Yeah.

5 That would be on page 50, just below the
6 half-way point of the page. It notes Mr. Brock or
7 Brook I guess. It says, the sentence reads, "She's
8 the Calvey Township woman," and goes on from there.

9 I remember that he specifically mentioned
10 that she's the Calvey Township Republican Chairwoman.
11 I think it out to reflect that in the minutes. Okay.

12 Thank you, Mr. Chairman.

13 CHAIRMAN EVANS: Thank you, Jay.

14 Any other changes? If not, the Chair
15 would entertain a motion to approve the minutes with
16 the changes as noted on page 38 and 50.

17 CO-CHAIRMAN SCHULTEHENRICH: Mr.
18 Chairman, I'll make a motion that we approve the
19 minutes of the October Planning and Zoning Commission
20 meeting with the amendments so noted.

21 COMMISSIONER REINHOLD: I
22 second.

23 CHAIRMAN EVANS: We have a
24 motion and second to approve the minutes. All in favor
25 signify by saying aye.

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

13 (NONE)

14 The minutes are approved.

15 Communication and Visitors Comments. Is
16 there anyone present wishing to address the Commission?

17 (NONE)

18 If not, we will move on to Old Business.

19 File 170191, Jacqueline and Nathaniel Phillips.

20 Scottie, will you please give us the
21 details.

22 MS. EAGAN: This is File 170191,
23 Jacqueline and Nathaniel Phillips.

24 The applicant requests to operate a
25 Special Event, Occasional in the Community Development

1 zoning district.

2 The property is located at Highway W/Wild
3 Plum Valley, approximately 600 feet north of Highway O,
4 in Calvey Township.

5 The Facts: The total area for the
6 conditional use permit consists of seven parcels
7 totaling approximately sixty-seven acres.

8 The zoning of this property is Community
9 Development. In this district, Special Events,
10 Occasional requires a Conditional Use Permit.

11 The applicant is requesting to host an
12 annual haunted hayride.

13 The Community Development zoning brings
14 shopping, the workplace, and home closer together by
15 allowing a mixed use of all types of residential
16 density and most forms of commercial development.

17 The properties around the proposed site,
18 to the west, are zoned Non-Urban and Agricultural.

19 The properties to the south are zoned
20 Community Development and Suburban Development.

21 The properties to the east have a mixture
22 of zoning districts, including Residential Development
23 2, Suburban Development, and Commercial Activity
24 Highway Service.

25 This property is primarily surrounded by

1 low-density residential land and undeveloped land.

2 This property has access to Wild Plum
3 Valley/Old Highway N.

4 The applicant is not the current owner of
5 the property, but they do have permission from the
6 current owner.

7 A large portion of these properties are
8 located within the floodplain.

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

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

16 All new and/or existing entrances onto
17 Wild Plum Valley will need to be examined by MoDOT or
18 Franklin County Highway Department, whoever has
19 jurisdiction, for a commercial entrance. Planning and
20 Zoning shall receive a copy of the permit prior to the
21 applicant commencing any activities on the property.

22 Any activity in the floodplain will need
23 to be reviewed by the Floodplain Administrator.

24 The hours of operation shall be as
25 follows: Friday and Saturday, 12:00 p.m. to 11:00

1 p.m., everything must be cleaned up and closed down by
2 12:00 a.m.; Sunday, 12:00 p.m. to 9:00 p.m., everything
3 must be cleaned up and closed down by 10:00 p.m.

4 The Conditional Use Permit shall be valid
5 annually on Friday, Saturday and Sunday during the
6 month of October.

7 The applicant shall have a minimum of six
8 bathrooms, portable toilets, available during event
9 hours.

10 No parking shall be allowed on any public
11 or private road and shall only be allowed within the
12 property lines.

13 The applicant shall provide a minimum of
14 two security personnel, parking attendants do not count
15 as security, if no alcohol is present. If alcohol is
16 present, the applicant shall provide a minimum of four
17 security personnel, parking attendants do not count as
18 security.

19 Review Committee Recommendation: The
20 Review Committee recommended approval of this
21 Conditional Use Permit to host special events,
22 occasional in the Community Development zoning district
23 with two in favor and zero opposed.

24 CHAIRMAN EVANS: Thank you.

25 And before we start this discussion on the

1 issue, show that Commissioners Tobben and McLaren have
2 removed themselves.

3 Any discussion?

4 CO-CHAIRMAN SCHULTEHENRICH:

5 This is for clarification on that, Scottie.

6 If the conditional use permit, does that
7 carry forward if a new party comes in to handle the
8 event, or -- or does -- in other words, does it -- does
9 the conditional use permit only cover the applicant
10 who's applying for this conditional use permit, or can
11 that carry over to anyone who she may in fact pass this
12 on to?

13 MS. EAGAN: The conditional use
14 permit runs with the land, not the owner.

15 CHAIRMAN EVANS: So she could
16 have a -- she could sell the property or have an agent
17 to run the event, but it would still stay with the
18 land. So...

19 MS. EAGAN: As long as all
20 conditions are met, the conditional use permit will go
21 with the land.

22 CHAIRMAN EVANS: Any other
23 questions, discussion?

24 (NONE)

25 If there is no further discussion,

1 questions, Chair will entertain a motion.

2 COMMISSIONER REINHOLD: I make a
3 motion to approve with all the -- the conditions that
4 are on the paper.

5 CHAIRMAN EVANS: We have a
6 motion. Do we have a second?

7 COMMISSIONER McCREARY: I'll
8 second that.

9 CHAIRMAN EVANS: Okay. We have
10 a motion and a second to approve File 170191 with the
11 conditions as written by Scottie.

12 All in favor signify by saying aye.

13

14 COMMISSIONER REINHOLD: Aye.

15 CHAIRMAN EVANS: Aye.

16 CO-CHAIRMAN SCHULTEHENRICH:

17 Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER CUNIO: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 COMMISSIONER HAIRE: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN EVANS: Opposed?

24 (NONE)

25 The motion is carried. File 170191 is

1 approved.

2 (Thereupon, Commissioners
3 McLaren and Tobben rejoined the
4 proceedings.)

5 Moving on to New Business, File 170321,
6 Cameron Lueken representing Villas at FCCC.

7 Scottie, will you please give us the
8 details.

9 MS. EAGAN: This is File 170231.

10 The applicant is Cameron Lueken for
11 Villas at Franklin County Country Club.

12 The applicant wishes to create a Planned
13 Unit Development in the Community Development zoning
14 district.

15 The property is located on Broadmoor
16 Drive, off of Highway A, in St. John's Township.

17 The Facts: The requests involves 25
18 single-family detached villas and 8 zero-lot line lots.
19 The whole development will consist of a total of 41
20 lots or 41 dwellings.

21 These properties are a part of a larger
22 subdivision, The Villas at Franklin County Country
23 Club, that was originally approved in 2005. This PUD
24 only addresses a portion of the original subdivision.

25 Originally this development was approved

1 as a condo development.

2 To the north, south and east of this
3 property is the Franklin County Country Club and
4 undeveloped land.

5 To the west, across Highway A, there are
6 multiple medium-density subdivisions.

7 Common ground and roads meet the Franklin
8 County Unified Land Use Regulations.

9 Staff Comments: This development is
10 unique in that it has existing water lines, sewer
11 lines, existing storm sewers, and has constructed roads
12 that meet the County standards.

13 Without the approval of a PUD, this
14 development would not be allowed based on the lot sizes
15 in the development. The applicant does not exceed the
16 density requirement allowed in the CD zoning district
17 of 1 dwelling unit per 5,000 square feet, but the lot
18 size does fall below minimums that are required for
19 this district.

20 CHAIRMAN EVANS: Thank you.

21 Is the applicant present. Will you please
22 state your name and address and sign in, please.

23 (Thereupon, the witness was
24 sworn.)

25 MR. CAMERON LUEKEN: My name is

1 Cameron Lueken, with Wunderlich Survey and Engineering.
2 I'm representing the Villas at Franklin Country Club
3 tonight.

4 The -- the post builder, Mr. Tim Miller
5 with the Bridgewater Community is here tonight as well
6 as, it looks like, many of the members that currently
7 live there.

8 So this is a kind of a unique situation
9 for us tonight. Normally I'm speaking about things are
10 going to be built. In this case, a lot of this is --
11 like Scottie said, the water sewer and storm sewer,
12 it's already built. So it's -- it's something we can
13 already see tonight. So let's get into it.

14 All right. So what we're trying to do is
15 the proposed planned unit development. The history
16 behind this is, is that it's currently an existing 24.8
17 acre development. There are condos and single-family
18 homes in this subdivision. Currently, you know, the
19 single-family homes do not -- aren't allowed under
20 these regulations. So we can't carry forward with
21 single-family homes.

22 So there are 12 existing units. I think
23 there are five duplexes, attached villas, and there are
24 two single-family attaches structures.

25 As Scottie mentioned, the infrastructure

1 is already in place, and the purpose tonight is that
2 we're going to get into this, but basically as Scottie
3 mentioned earlier, it was a condominium development
4 that was started on an unspecified lot. But the
5 purpose of the PUD is to allow us to move forward with
6 single-family detached units, the 25 and 8 like she
7 mentioned.

8 So this is going to -- the -- because we
9 have the existing, the PUD is a way to move forward and
10 protect both the existing people's interest as well as
11 give guidance to make sure everything is as it was
12 originally intended, you might say.

13 So the purpose is we're going to try to
14 create a 41-lot PUD on 14.74 acres, and as I mentioned,
15 we're going to try integrate the existing units.

16 This will, as I said, allow the
17 single-family homes to be built.

18 So what's it look like. We'll go over
19 that. This is south -- this is North Krakow, probably
20 a half mile south of Four Mile Road about a half mile.
21 So that's kind of where it's at. That's the -- that's
22 the perimeter of the 14.74 acres that we're proposing
23 for the PUD tonight. That is the perimeter i totality.
24 So that represents the 24.8 acres you might say.

25 And as Scottie mentioned the Country Club

1 is down here. Then there's the highway of to the left
2 -- to the left side.

3 As Scottie mentioned also, it is zoned CD.
4 So here's the area that we're proposing tonight. It's
5 surrounded by the blue, which the blue if you look in
6 the lower left is CD. So that's the density of 1 unite
7 per 5,000 square feet, which is what's actually
8 allowable in that district.

9 This is the existing site of the home
10 plan. So this showed the condo development in
11 totality, if you -- it's a little bit hard to see, but
12 basically this is -- thanks, Scottie. This is, if you
13 look at this, you'll see duplexes nearly every -- well,
14 everywhere on this because it was an attached condo.

15 So that's the existing.

16 So this a rendering of what the existing
17 was. So the entire site. When you look at it was 76
18 units. The area is 24.8 acres. The density is 14,000
19 -- 14,209 per unit. So when you look at what we're
20 trying to do, we're just -- we're just using a piece of
21 the existing -- we're taking the -- the current phase
22 as 44 units it in, the current phase does. That's
23 going to be 14.74 acres, and that was the density of
24 14,593. But as I mentioned, there's a couple of
25 single-family homes. So when you look at how we're

1 going to propose it, we're going to propose it as a
2 PUD, and the single-family homes are here and here.
3 And you can tell the lots. There's a few lot numbers
4 missing here. So when you look at what we're
5 proposing, it's existing in 12, proposed 29, total of
6 41. The acreage is still 14.74, but the density is
7 15,660. So because it's less homes, the density
8 actually went up.

9 So we're not -- this PUD is not increasing
10 the density above, which was originally proposed. It's
11 decreasing density.

12 So this -- so we don't see a lot of PUDs
13 in the county, but they're unique in the fact that
14 there's a lot of requirements related to what can be
15 built under the DC.

16 So what do all these houses mean on
17 there? This is our interpretation of what's existing
18 in the proposed that, if you compare all these
19 different houses, these are different types of
20 buildings. So what happens is, is that Tim, as he
21 moves forward with building, he's basically identified
22 these square footages of houses to be built.

23 So in example, if there's a 22,000 square
24 foot detached build there, he can't come and build an
25 18,000 square foot villa. He's got to be within, I

1 believe it's, 5 percent. Yeah. It's -- basically it's
2 5 percent. So the current PUD code allows us to go up
3 or down 5 percent. So we basically got two different
4 house plans, you might say, that we can move on the
5 scale each way to try to accommodate all the different
6 house plans.

7 And like I said, Tim's here tonight. So
8 if you've got a question for him, but I think he's got
9 multiple house plans that fit inside this box.

10 How many, like --

11 MR. TIM MILLER: About eight
12 variations.

13 MR. LUEKEN: About eight
14 variations, but -- so if you come to him and you want
15 the closet or the master bedroom bigger, or whatever,
16 he can slide stuff around to try to accommodate your
17 need by -- with the different amenities in the house.
18 So we took some time -- Tim took some time to go over
19 this and put some thought to, you know, what's going to
20 be built and where it's going to be built at.

21 So this is -- this is kind of the guts of
22 the plan. It's a lot to look at, but does anybody have
23 any questions about this particular slide as it relates
24 to the footprints of the buildings or the lots?

25 COMMISSIONER HAIRE: Cameron, on

1 the closeup it says 25 single-family detached villas
2 and 8 zero-lot lines, and you said 29. I'm just making
3 sure the number's off.

4 MR. LUEKEN: Yeah, I'm sorry.
5 That's confusing. So what it is, is it's 25 plus 4 --
6 let's see, let me think about this. Twenty-three,
7 yeah.

8 MR. MILLER: Twenty-three free
9 standing and six attached.

10 MR. LUEKEN: So 23, yeah.

11 COMMISSIONER HAIRE: Okay.

12 MR. LUEKEN: Yeah, sorry.
13 Because it's lots and units, and it gets confusing
14 going back and forth.

15 COMMISSIONER HAIRE: Just wanted
16 to make sure I understood.

17 MR. LUEKEN: Yeah.

18 COMMISSIONER HAIRE: Okay.

19 COMMISSIONER TOBBEN: Cameron?

20 MR. LUEKEN: Yes, sir.

21 COMMISSIONER TOBBEN: The
22 building legends, it details the square footage for the
23 proposed units there.

24 MR. LUEKEN: Yes.

25 COMMISSIONER TOBBEN: Is that

1 the gross living area, or is that the entire building?

2 MR. LUEKEN: That's the --

3 COMMISSIONER TOBBEN: The front
4 of the building.

5 MR. LUEKEN: That's the entire
6 building, including the garage.

7 COMMISSIONER McCREARY: Okay.

8 COMMISSIONER WILLIAMS: Cameron?

9 MR. LUEKEN: Yes, sir.

10 COMMISSIONER WILLIAMS: On the
11 number of units, there's still 44 units, correct?

12 MR. LUEKEN: No, there's 41. We
13 got rid of three from the original plan.

14 COMMISSIONER WILLIAMS: Okay.

15 MS. EAGAN: His lot numbers are
16 off, if that's what's confusing.

17 COMMISSIONER HAIRE: That is
18 confusing.

19 MR. LUEKEN: Yeah, we --

20 MS. EAGAN: He's missing three
21 numbers for some reason.

22 MR. LUEKEN: Well, to me -- to
23 back up, Ron, what happens is it jumps from 11 to 13
24 here. It jumps from 20 -- 22 to 24 there, and it jumps
25 from --

1 MS. EAGAN: Thirteen to fifteen.

2 MR. LUEKEN: -- 13 to 15 there.

3 And that was because those -- there were duplexes shown
4 there where Lot 11 is at, and there as a duplex shown
5 where 13 is at, and there was a duplex shown where 24
6 is at.

7 So to try to keep things, you know, the
8 same, rather than trying to renumber everybody, we --
9 we tried to provide some continuity.

10 COMMISSIONER WILLIAMS: Okay.

11 Thank you.

12 MR. LUEKEN: Okay. So I -- so
13 that kind of explains how we're going to move forward
14 building, and I guess I want to try to back up and
15 answer how we got here.

16 You know what. Like you -- as you guys
17 know, this started out as a condo development, so it's
18 like well, why aren't you continuing with condos under
19 the original plan?

20 The original plan was not a PUD. The
21 original plan was to stay preliminary plat permitted in
22 that zoning -- permitted in that zoning district, and
23 the way the codes are now, you cannot, like I said,
24 build a single-family home in that district on the
25 unsubdivided lots. We have to redo this in some kind

1 of way.

2 We could have proposed a conventional
3 subdivision plan. However, there would not have been
4 the square footages mandated or required like Tom asked
5 a question about. So theoretically we could say, you
6 know, we could build 2,200 square foot home under the
7 preliminary plan, but yet, you know, a year later
8 submit some for 1,800 square feet, and it could be
9 built.

10 This provides the protection. The PUD
11 provides a protection to the existing owners that won't
12 happen. So in the middle of the condo -- basically a
13 condo you own from the studs in. So if you can -- if
14 you buy a \$300,000 condominium, you're really buying
15 air space, and you have rights to the common elements
16 and the limited common elements and amenities. But
17 what happens is, is that you don't really own the dirt
18 that's under it. You have an interest in it, but not
19 fee simple interest. You have a shared interest.

20 So what happens is, is that this, as you
21 know, was started in '05, '06 the downturn in the
22 economy. So you know, through '08, '9, and '10, '11,
23 it -- these condominiums it became very hard because
24 there were so many restrictions placed upon it.

25 So back when we first started hearing

1 about these zero lot lines. So moving forward, those
2 regulations are still in place from '8, '9, '10, and so
3 it's really hard to move forward with the condo
4 development. So we're utilizing the PUD to move
5 forward to get this zero lot line.

6 So as I mention, condos very limited
7 buyers, there are strict mortgage standards, higher
8 financing costs. It's more of a non-conforming loan.
9 So there's conforming loans and non-conforming loans.
10 But these condos because of the way, you know, for
11 example, you got to have -- look at all the different
12 things. And when it's hard to meet the check list.

13 So an example for an FHA loan, you have to
14 be a prequalified condominium development. This is not
15 a prequalified condominium development. So there's
16 where you automatically get thrown into the
17 non-conforming loan, which is -- makes it hard for the
18 buyers to get there.

19 The insurance cost of the amenities. You
20 know current owners pay 1/12 the cost of all the
21 snowplowing. It's all private out there. There is
22 public water, public sewer and everything else, the
23 snowplow that makes the road, that's all shared right
24 now by -- there's 12 owners in there.

25 So as we move forward with the zero lot

1 lines, the -- they own the -- they own the ground
2 underneath the unit and all the way through the roof.
3 As you see with that PUD plan, there is a maintenance
4 buffer so that way if there's a plumbing leak or a
5 maintenance issue with the roof or whatever, there's
6 reciprocal cross access from those attached units. So
7 we say zero lot line, but it's really not a zero lot
8 line meaning that if there's something damaged there --
9 and then there's that kind of restrictions.

10 There's also homeowners restrictions and
11 covenant restrictions that are going to -- that will
12 address that. Basically currently address it now.

13 This zero lot line will attract more
14 buyers, so it will be a quicker lot build out.
15 There'll be more shared costs of amenities and
16 maintenance. So you know, basically when the community
17 is full, it's going to be 1/41st or 1/41, depending on
18 you say that, cost. So right now it costs X dollars to
19 plow down to the last house, and it's 1/12. As it
20 fills up, it'll be 1/41st. So as the homeowners
21 association sees fit, they can raise and, you know,
22 decrease the cost or however they -- however their
23 annual meetings go to determine that. But we see that
24 potentially it's a great thing because, you know,
25 obviously you got more people sharing the cost of

1 maintaining the amenities.

2 It improves the resale potential. So even
3 the people that are there now that have condominiums,
4 they are going to be converted to zero lot lines. And
5 that's going to improve their resale potential as well
6 as the ones that are built.

7 The homeowners association's protections
8 will remain in place. So right now they're -- it's a
9 condo with a homeowners below it. So basically it's
10 going to be this PUD with the homeowners below it. So
11 there'll be these -- there'll give, you know, levels of
12 protection to keep all that in place.

13 So in conclusion, like I said, it's a 24.8
14 acres. The density is 14,209. The PUD creates 41 lots
15 on 14,704 for a density yield of 15.6. So there again,
16 we're not increasing density. The infrastructure is
17 already in place, and a lot of amenities, the
18 landscaping and all that. It's a very, very well-kept
19 subdivision.

20 It does integrate existing units as well,
21 and as I mentioned, it brings the development up to
22 code so that, you know the single-family throughout
23 will rectify that situation.

24 So does anybody have any questions for me
25 at this point? Like I said, Tim Miller of Bridgewater

1 Communities is here tonight to talk about any questions
2 you might have.

3 And obviously there's some -- some of the
4 residents that are there. Let me back up and mention
5 this.

6 I mentioned, you know, those condos that
7 are out there are going to be converted to zero lot
8 line. So Tim worked very hard with the people that
9 live there to get 100 percent approval, and I believe
10 he got 100 percent approval of the idea behind this
11 PUD. So yeah, he -- he can address that as well as any
12 questions you guys might have.

13 CHAIRMAN EVANS: One quick
14 question, Cameron.

15 So what's in there are actually condos?

16 MR. LUEKEN: Yes, every
17 structure there right now is a condominium.

18 CHAIRMAN EVANS: So will these
19 have to be then like re-deeded in there then?

20 MR. LUEKEN: Correct, correct.

21 CHAIRMAN EVANS: Okay.

22 COMMISSIONER WILLIAMS: I'm sure
23 since it's an existing condominium development, there
24 are covenants, restrictions, indentures, that's -- what
25 happens to those?

1 MR. LUEKEN: So what's going to
2 happen is, is that they're going -- if you can imagine,
3 they're going to be basically converted to being
4 underneath this zero lot line development. So they're
5 not going to "disappear" immediately.

6 They've -- they've got -- and maybe I need
7 to let Tim speak to that because he's talked at length
8 with his attorney and the people that are here. But
9 basically, Ron, they're not going to disappear in the
10 sense that, if you can imagine, you're at a closing
11 table and you're going to agree to say hey, here's my
12 rules now, and here's what I agree to. So it's going
13 -- they're going to be there in place.

14 COMMISSIONER WILLIAMS: So does
15 it get converted over from condos to homeowners
16 association type arrangement for a subdivision?

17 MR. LUEKEN: Well -- and I'm not
18 an attorney, right.

19 COMMISSIONER WILLIAMS: Neither
20 am I.

21 COUNTY ATTORNEY VINCENT: I can
22 testify to that.

23 MR. LUEKEN: Okay. I'm going
24 to let -- I'm going to let Tim speak to that. Okay.

25 CHAIRMAN EVANS: Are there any

1 other questions for Cameron?

2 (NONE)

3 All right. Thank you, Cameron.

4 Please state your name and address and
5 sign in, please.

6 MR. MILLER: Tim Miller, 18719
7 Melrose Road, 63038.

8 (Thereupon, the witness was
9 sworn.)

10 CHAIRMAN EVANS: Go ahead and
11 give us the details.

12 MR. MILLER: So right now it's a
13 condominium, but it's a 24-acre piece of ground. And
14 every time a building is built, there are -- there are
15 not 72 lots in there. There's just one big lot, and
16 every time a building is built, you have to go out and
17 do a foundation spot survey and re-plat that lot.

18 So there's 12 owners out there now. If
19 another two-unit building was built, everybody would
20 get then 1/13 or one -- 1/14th of a share of the common
21 ground. So that's very burden and cumbersome. So with
22 fee simple, I'm creating all the lot lines up ahead of
23 time, and then we have to build our product within the
24 front, back and side yards of what we have, plus the
25 square footage requirements that we have.

1 Now, the existing 12 are condominiums, and
2 between myself and the Bank of Franklin County and our
3 attorneys, we are taking -- we've got a plan set up
4 where this PUD, once it's approved, would get recorded.
5 The same day it's recorded, there's a termination of
6 the condominium plat that's signed by all the existing
7 members. And then there's a fee -- there's a new
8 homeowners association formed under the PUD.

9 The indentures that are there now are for
10 a condominium. So they're no longer good. So I've
11 worked with a couple of members and had meetings with
12 all of the residents out there to create a new set of
13 indentures for fee simple condominiums that's agreeable
14 to everybody. The monthly fees are going to be the
15 same. So the amenities are going to be the same.
16 Everybody gets their own insurance. Outside
17 maintenance yard care, landscaping, irrigation systems
18 are all taken care of like it is right now, and we do
19 have 100 percent approval from the existing residents
20 out there.

21 CHAIRMAN EVANS: Any questions?

22 COUNTY ATTORNEY VINCENT: Bill,
23 I think he made a mistake.

24 I think you said fee simple condominiums.

25 MR. MILLER: Oh, okay. Fee

1 simple. Sorry.

2 COUNTY ATTORNEY VINCENT: Yeah,
3 fee simple lots is what you're going to end up with.

4 MR. MILLER: Yeah.

5 CHAIRMAN EVANS: Bill, do you
6 have a question?

7 COMMISSIONER McLAREN: I wasn't
8 hearing him well enough. Could you repeat again about
9 maintenance.

10 MR. MILLER: Okay. On the
11 villa, there are certain -- there's -- on a villa,
12 there's a plat that's recorded, but then there's an
13 overriding homeowners association has an easement to
14 come on the property to actually cut the grass.
15 There's a community sprinkler system that goes around
16 all the houses and is run so it -- you know, again,
17 there's an easement to come on and take care of the
18 sprinkler system, run the water on. There's
19 landscaping that's included. All the got -- all of the
20 yards are sodded. So in the monthly fee, the grass
21 gets cut, the shrubs get trimmed, the beds get mulched.
22 In the wintertime, the snow, after two inches of snow,
23 gets removed.

24 COMMISSIONER McLAREN: So the
25 outside maintenance is exactly the same?

1 MR. MILLER: Correct.

2 COMMISSIONER McLAREN: There's
3 no change there?

4 MR. MILLER: No.

5 COMMISSIONER McLAREN: Okay.
6 That's the part I didn't hear. Thank you.

7 MR. MILLER: Everybody is
8 responsible for their own homeowners insurance, and
9 everybody is responsible for the exterior of their
10 buildings.

11 COMMISSIONER TOBBEN: Mr.
12 Miller, with respect to the indentures and
13 restrictions, have you changed the square footage
14 requirements and the facade requirements, for example,
15 from the initial indentures under the condo
16 development?

17 MR. MILLER: Yes, we did.
18 They're going to be similar to what's out there, but
19 they are going to be my plans. We did submit colors, I
20 believe, in the -- for the PUD.

21 COMMISSIONER TOBBEN: Okay.

22 MR. MILLER: And then typically
23 in a PUD out here, there's one square footage
24 requirement. Scottie talked and we created two. We
25 start one at 2,150 square feet for living space and

1 garage, and the other one is around 2,400 square feet,
2 and it can vary up or down 5 percent from each one of
3 those.

4 So if somebody wants a bigger house, but
5 they're platted for a three-car garage, they can go
6 down to a two-car garage but get a bigger house as long
7 as we fit within the square footage requirements.

8 COMMISSIONER TOBBEN: So those
9 square footage have come down from the original
10 development plan and restrictions?

11 MR. MILLER: Not on the first
12 floor. The units that are out there have second
13 floors. Some of them, they're story and halves, with
14 bedrooms on the second floor.

15 COMMISSIONER TOBBEN: Okay.

16 MR. MILLER: But the first
17 floors are comparable in size.

18 COMMISSIONER TOBBEN: So if you
19 exclude the garage and the deck, I guess, what's the
20 gross living area of these units?

21 MR. MILLER: It goes from
22 1,600 --

23 COMMISSIONER TOBBEN: Okay.

24 MR. MILLER: -- on the first
25 floor to 2,000 square feet.

1 CHAIRMAN EVANS: Any other
2 questions?

3 (NONE)

4 Thank you, Mr. Miller.

5 MR. MILLER: Okay.

6 CHAIRMAN EVANS: Is there anyone
7 else present wishing to speak in favor of this file?

8 (NONE)

9 If not, is there anyone wishing to speak
10 in opposition? If you'd come forward, please. If
11 you'll state your name and address and sign in, please.

12 MR. MARK VOSS: I'm Mark Voss.
13 My dad owns property just west of the -- the
14 development and --

15 CHAIRMAN EVANS: Have you signed
16 in?

17 MR. VOSS: No, I -- do I need to
18 sign in?

19 CHAIRMAN EVANS: Yes.

20 MR. VOSS: Okay.

21 CHAIRMAN EVANS: Name and
22 address, please.

23 (Thereupon, the witness was
24 sworn.)

25 MR. VOSS: Basically, like I

1 said, my dad owns the five acres just west of the
2 development, and basically what we -- we see here i,s,
3 you know, he was supposed to have two -- the old
4 development plan, he had two buildings behind him. And
5 now he's going to have four that are, as you can see,
6 basically where the pipeline goes across there, it's --
7 see that little like three or four different lines.
8 There's four homes. There's four different buildings
9 being -- that are supposed in there. Those lot sizes
10 are like 1.1 -- 1.05, 1.5, you know, 15/100s of an
11 acre, you know.

12 Basically you're putting in row housing,
13 and you know, it's -- you know, we -- we think that our
14 property value is probably going to go down because,
15 you know, it just -- you know, we're not against the
16 whole thing. We're just thinking there's too --
17 there's too many buildings that are being proposed
18 here. Like, you know, if he put three there, you know,
19 he could -- and increase the size of the -- of the
20 buildings, you know. We're not opposed to anything.
21 But we just -- we just think there's too many.

22 And that's basically all I really have.
23 You know, we're afraid of whoever -- whoever comes --
24 whoever moves there, you know -- you know -- you know,
25 there -- where's everybody going to go to if they have

1 little ones or stuff like that, they're going to
2 gravitate. There's no green space, there's no, you
3 know, places like parks where the kids can play, you
4 know. You know. It's like a -- it's like a little town
5 in the middle of the country.

6 And you know, if you -- we just kind of
7 propose if you -- if you shrink -- shrink -- shrink the
8 -- you know, enlarge the lots and shrink -- shrink the
9 number of homes, I think would be -- you know, we
10 wouldn't have so much of a problem with it.

11 You know, we don't have a big problem with
12 it. That's just something that we think, you know, you
13 guys could consider and do what you want, but that's
14 the way we feel anyway.

15 That's all I have.

16 CHAIRMAN EVANS: Thank you, Mr.
17 Voss.

18 Anyone else wishing to speak in
19 opposition?

20 Would you please come forward. State your
21 name and address and sign in, please.

22 MR. THOMAS FISHER: Thomas
23 Fisher, 2872 Highway A, Washington.

24 (Thereupon, the witness was
25 sworn.)

1 My concerns are similar to what was
2 brought up by Mark earlier. The development was sold
3 by my father, the 25 acres or 24 acres, under the
4 understanding that there were certain conditions to be
5 built. He was worried about his view, et cetera.

6 Now we are in the same position as the
7 Vosses, where previously there were three buildings.
8 Now there'll be six. I understand that they aren't
9 going to have to take care of their yards, which is
10 nice, but our main concern is depreciation of property
11 values and adversely affecting the views.

12 CHAIRMAN EVANS: Okay.

13 MR. FISHER: Thank you.

14 CHAIRMAN EVANS: All right.

15 Thank you.

16 Anyone else wishing to speak in
17 opposition?

18 (NONE)

19 If not, is there any discussion from the
20 Commissioners, any questions?

21 And again, since we -- as Cameron
22 mentioned, we don't have too many PUDs here. The
23 developer has already had the pre-application
24 conference and the review conference to meet all the
25 standards, regulations, and so by coming to us, as a

1 preliminary plat, we are giving preliminary area
2 approval for them to proceed.

3 MS. EAGAN: Before we get to
4 that part of it, typically on file you will let the
5 applicant come back up to address any concerns. Did
6 you want to do that with this one as well?

7 CHAIRMAN EVANS: Sure.

8 Cameron, is there anything you wish to
9 add?

10 MR. LUEKEN: Yeah. I just
11 wanted to -- I just wanted to address some of the
12 concerns that are mentioned just real quick.

13 We go back to the existing plan. It goes
14 back to the, you know, lot structure, units and all
15 that. Originally it was attached structures before,
16 and now we're detaching them.

17 So we count -- you got to count, two,
18 four, six, eight, ten. So two, four, six, eight, ten.
19 You can see the driveways here, each one. So there's
20 ten units from Broadmoor to this stretch right here.

21 What's being proposed there is one, two,
22 three, four, five, six, seven, eight, nine. So there's
23 actually one -- because this got through with this
24 single-family, there's one less unit there on that left
25 side. And I know that you all mentioned row houses.

1 These are all detached. So they're -- they aren't
2 attached, they're detached, so there'll be space in
3 between all of them. It's actually downgrade, so that
4 helps on the view shed.

5 And I think Tim just mentioned to me that
6 the -- and they mentioned property values, worried
7 about that. So we're building a similar product. You
8 know, it's all detached, and they got detached. And I
9 think there's four pending contracts right now at
10 around \$400,000 each. So that's -- it's going to be a
11 nice product. It's not going to be a, you know, a
12 \$150,000 product. Not there's anything wrong with
13 that, but it's not going to be something that's going
14 to decrease property values.

15 I just wanted to address those concerns.

16 Does anyone have any more questions for me
17 right now?

18 CHAIRMAN EVANS: No, thank you.

19 MR. LUEKEN: Thank you.

20 COMMISSIONER TOBBEN: Cameron, I
21 -- I do have. Did you say those -- the 400 -- 400,000
22 is on the detached units?

23 MR. LUEKEN: Correct.

24 COMMISSIONER TOBBEN: Okay.

25 CHAIRMAN EVANS: All right.

1 Just to finish up, what I was saying is
2 that as in preliminary plats, they've already had a
3 review conference and a pre-application conference, and
4 met all the regulations required.

5 But unlike a preliminary plat, they do
6 have to come back to the Planning and Zoning Commission
7 for approval, unlike a preliminary plat, which is
8 approved by the Planning and Zoning Department.

9 So again, this is initial approval for
10 them to move on.

11 MS. EAGAN: Right. After this
12 step, they would then turn in their final development
13 plan to you guys where, if you approve it tonight, it
14 wouldn't be in until the January meeting due to our
15 current schedule that's in the office.

16 Then after that would be the final plat
17 with my office, but yes, you have another view of it
18 before it gets to that stage.

19 CHAIRMAN EVANS: And again, a
20 little bit different than some files, our options here
21 are approval, tabling and denial. There is no option
22 to go to Review Committee, but again, Scottie has said
23 that so far that's probably all the information
24 necessary to proceed.

25 COMMISSIONER REINHOLD: Are you

1 looking for a motion?

2 CHAIRMAN EVANS: If there is not
3 further discussion, I'd certain entertain one.

4 COMMISSIONER REINHOLD: I make a
5 motion to approve it.

6 COMMISSIONER VOSS: I'll second.

7 CHAIRMAN EVANS: We have a
8 motion and second to approve File 170231. All in favor
9 signify by saying aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER HAIRE: Aye.

17 COMMISSIONER TOBBEN: Aye.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 Aye.

20 COMMISSIONER McCREARY: Aye.

21 CHAIRMAN EVANS: Opposed?

22 (NONE)

23 The motion is carried.

24 Preliminary Plats. We have none.

25 Planning and Zoning Commission Forum.

1 Discussion regarding bylaws.

2 MS. EAGAN: This came up because
3 we realized in your bylaws it actually states that
4 alternating meetings shall be in accordance with
5 Roberts Rules of Order, and we don't really follow
6 those rules. So our suggestion, if you want to keep it
7 in, then we're going to have to get training for
8 everybody to understand what Roberts Rules of Order
9 are. And you guys are going to have to understand it
10 and follow it.

11 Or we can look at redoing our bylaws and
12 removing that aspect of the bylaws and putting in there
13 what would happen if the chairman and vice-chair --
14 yeah, vice-chair were gone and who would run the
15 meeting and so on and so forth.

16 CHAIRMAN EVANS: Okay. And I
17 will say this. This came about, I think, because we
18 got caught in -- in a process failure as far as how we
19 reach a decision in a specific case. And basically
20 what happened is we had voted on something, and as I
21 remember, it was a tie vote, and I think, Bill, you
22 asked a question and it continued on, and then we
23 considered that question.

24 And once we voted on it, it should have
25 been over unless a motion was made to reconsider.

1 So as chairman, it was my responsibility
2 to have stopped you and said we can do that, but I need
3 a motion to reconsider. I failed to ask that question,
4 and so as chairman, that's my responsibility, and I
5 apologize to the Commission for that.

6 Again, it was -- would have affected our
7 decision in my opinion. But did it violate Roberts
8 Rules of Order? Yes. And that's -- that's kind of
9 where we're at.

10 COMMISSIONER WILLIAMS: Wouldn't
11 it be simpler to just keep Roberts Rules of Order since
12 it's already rules of order written, instead of trying
13 to develop our own?

14 COUNTY ATTORNEY VINCENT: Do you
15 know them?

16 COMMISSIONER WILLIAMS: No, but
17 can we cover all circumstances and put that into our
18 bylaws?

19 COUNTY ATTORNEY VINCENT: You
20 don't have to cover them all. You have to cover the
21 basic way to act. People can get in trouble when they
22 say they're going to follow Roberts Rules of Order
23 because there's so many motions, sub-motions, minor
24 sub-motions, and you can be here for months if you
25 really follow Roberts Rules of Order.

1 MS. EAGAN: Yeah, and we were
2 reading, and it gets to the point to where I believe
3 you have to stand up when you talk. You have to
4 address the chairman and only the chairman. The
5 chairman is not supposed to vote on certain things, and
6 it's super difficult.

7 COUNTY ATTORNEY VINCENT: You
8 have (unintelligible) sustenance and protocol.

9 COMMISSIONER WILLIAMS: So how
10 do you develop your own rules of order?

11 COUNTY ATTORNEY VINCENT: Just
12 like everybody else. I've written them many times.

13 If you guys want to follow it, it's okay
14 with me, but I'm going to bring my book in every night
15 you guys have a meeting. We'll be here till midnight.

16 MS. EAGAN: Ron, the Board of
17 Zoning Adjustments does not followed Roberts Rules of
18 Order, and they operate similarly to here.

19 COMMISSIONER WILLIAMS: Do they
20 have their own bylaws?

21 COUNTY ATTORNEY VINCENT: Yeah.

22 MS. ZIELKE: They do.

23 CHAIRMAN EVANS: You can take a
24 look at theirs, but as long as I've been on the
25 Commission, I know I have a -- I carry around Roberts

1 Rules of Order. You know, when I can't sleep, I read
2 them.

3 COMMISSIONER HAIRE: How
4 specific rules of order do we need to develop so we
5 stay procedurally correct when we're making motions and
6 approving?

7 COUNTY ATTORNEY VINCENT: If
8 your bylaws are written in a general sense, so long as
9 you afford due process, you follow that, you're safe.
10 Where you get in trouble is if you have
11 adopted rules that you're not following.

12 COMMISSIONER McCREARY: Exactly.

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

15 COMMISSIONER HAIRE: So if it's
16 something specific, we have to -- write in the bylaws
17 procedurally what we want to do? I mean, is that just
18 some basic motions and --

19 COUNTY ATTORNEY VINCENT: What
20 will happen if there's a tie vote, what do you do.
21 Does the chair -- does the chairman vote. What --
22 under what grounds must you disqualify yourself. How
23 do you handle the public hearings. How long do people
24 get to speak. That makes a difference.

25 Normally you -- Roberts Rules is basic one

1 providing. You guys would too, because you have a
2 motion and then a second and discussion. No, that's
3 not any different. We don't do that now. We have a
4 motion, then we talk a while, then we have another --
5 we do whatever, and have a hotdog roast.

6 COMMISSIONER HAIRE: I'm sure
7 we're not the only people that have this issue. I
8 mean, I'd like to see what maybe some other people are
9 doing and how they've written their policy and if it
10 sounds good, adopt something. But I would like to just
11 not adopt without some structure and some research on
12 it.

13 COUNTY ATTORNEY VINCENT: Well,
14 I agree with that. I'm not saying that. I'm saying
15 you the ability to write your own. As long as you
16 follow your own, you're fine.

17 What you can't do is to violate someone's
18 due process. You can't say, okay, we're going to let
19 the applicant speak for a minute and anybody that's
20 opposed to it doesn't get to talk. That's -- you can
21 do that, but it would -- it would stand up.

22 COMMISSIONER McLAREN: Have we
23 created you a problem so far?

24 COUNTY ATTORNEY VINCENT: Me?

25 COMMISSIONER McLAREN: Yes.

1 COUNTY ATTORNEY VINCENT: In 27
2 years I've had about twice. But it's coming up, and
3 the more sophisticated the County gets, the more likely
4 it is to come.

5 COMMISSIONER McLAREN: Who has
6 their own?

7 MS. ZIELKE: The Board of Zoning
8 Adjustment, but they're not very specific in their --
9 their procedures. So that might not be a good one.

10 COUNTY ATTORNEY VINCENT: But it
11 doesn't have to be very specific.

12 MS. ZIELKE: Right.

13 COUNTY ATTORNEY VINCENT: It's
14 just got -- as long as you don't violate due process.

15 COMMISSIONER McLAREN: And have
16 you reviewed the -- that? If the Board of Zoning
17 Adjustment, have you reviewed theirs?

18 COUNTY ATTORNEY VINCENT: Oh,
19 yeah.

20 COMMISSIONER McLAREN: Are they
21 adequate?

22 COUNTY ATTORNEY VINCENT:
23 They're fine.

24 COMMISSIONER McLAREN: Can we
25 have a copy of those to look at? No, we can't do that?

1 MS. ZIELKE: I'll get you a
2 copy. It's on-line too if you need to see it before I
3 get it to you. So I'll make myself a note.

4 CHAIRMAN EVANS: As Mark
5 mentioned, I know what I got on the Commission is that
6 we violated the rules all the time. If we followed
7 these specifically, no one could speak unless they have
8 the chairman's permission. And we'd like to keep it a
9 little bit more open so there's dialogue going on
10 rather than being stilted.

11 But Roberts Rules of Order, if you follow
12 them, that's what you do.

13 COUNTY ATTORNEY VINCENT: Yeah,
14 Bill, you'd be out of order 90 percent of the time.

15 CHAIRMAN EVANS: Exactly. And
16 again, the same with motions, the way it's supposed to
17 be done is you make a motion and a second and then --

18 COMMISSIONER TOBBEN: Which
19 Bill?

20 COMMISSIONER McLAREN: Me.

21 CHAIRMAN EVANS: -- and then
22 discuss things. And we do it backwards. So there's a
23 way, as Mark shows, that we don't do that now. I'll
24 put that precedent that's been done for years. So...

25 COUNTY ATTORNEY VINCENT: But

1 not violating anybody's due process.

2 CHAIRMAN EVANS: Right.

3 Correct.

4 COUNTY ATTORNEY VINCENT: That's

5 -- that's what I've watched for during the meetings.

6 As long as you're providing due process to all people

7 in favor of and against them because they have the

8 opportunity to be heard in fairness. That's what we're

9 looking for.

10 The (unintelligible) don't follow those

11 Roberts Rules of Order. They haven't followed Roberts

12 Rules since people took off their wigs.

13 COMMISSIONER SCHULTEHENRICH:

14 But I would say, and I do believe we need to have some

15 type of -- of some guidance, okay, and in regards to do

16 this. And certainly I've seen in certain places where

17 a -- they followed Roberts Rules as it pertains to

18 motions. Okay.

19 And basically they eliminate the other

20 necessities of following Roberts Rules. That might be

21 something to give consideration to, Mark, but I think

22 we do need to have some. If the Board of Adjustment

23 has something for us to consider, I certainly would be

24 open to that. Or, Mark, if you put together something,

25 I would be open to that. But I still think we need to

1 have some type of something to follow that we make sure
2 that we follow --

3 COUNTY ATTORNEY VINCENT: I
4 think everybody -- I think everybody is in agreement
5 that we have something. And you can -- if you keep the
6 basic parts of a motion from Roberts Rules, there's a
7 lot of parts of Roberts motions that we don't follow,
8 we don't want to have.

9 COMMISSIONER SCHULTEHENRICH:
10 That's right. Certainly.

11 COUNTY ATTORNEY VINCENT: Yeah.

12 CHAIRMAN EVANS: Yeah, I mean,
13 there's dozens of motions and depending on their
14 hierarchy, which ones. And we use three or four
15 motions, and that's -- types of motions, and that's
16 about it.

17 COUNTY ATTORNEY VINCENT: It'd
18 be like the U. S. Congress when they request a motion
19 to get around doing something.

20 COMMISSIONER HAIRE: Uh-huh.

21 COUNTY ATTORNEY VINCENT: That's
22 what you'll end up with. I don't think that's what you
23 guys were advised to do. And the law doesn't say you
24 have to use Roberts Rules of Order. It says you have
25 to have your -- you have the ability to adopt your own

1 bylaws.

2 CHAIRMAN EVANS: Right, it's
3 just right now it is in the bylaws, and that's -- has
4 caused at least the one problem. Once again, as I
5 said, I will more a technical -- a process, but it did
6 violate the Roberts Rules of Order because I didn't ask
7 a specific question.

8 Any other discussion on that? Thank you.

9 Scottie, if you can get us what BOZA has
10 and if anybody wants to look around, I'm sure there are
11 probably other organizations that have modified Roberts
12 Rules of Order. If anybody wants to borrow my book to
13 take home? No takers?

14 COMMISSIONER SCHULTEHENRICH:
15 Already have a copy.

16 CHAIRMAN EVANS: Tom, is yours
17 leather bound?

18 COMMISSIONER TOBBEN: Pardon?

19 CHAIRMAN EVANS: Is yours
20 leather bound?

21 COMMISSIONER TOBBEN: Yes, it
22 is.

23 CHAIRMAN EVANS: Any other
24 discussion?

25 (NONE)

1 All right. Planning Director's Report.

2 MS. EAGAN: I actually don't
3 think we're going to have a meeting in December. I
4 don't think we have any files by our deadline
5 yesterday.

6 So I will go ahead and tell you guys that
7 we are -- we're experiencing a lot of change down in
8 our department. Next year on January 1st, we're going
9 to be Planning and Zoning, Addressing and Mapping. So
10 we're going to have two more people come down to our
11 office that are going to do the GIS mapping. Nichole
12 is going to take over addressing and planner. And
13 then we're going to be looking for an administrative
14 assistant.

15 So next year if things are slower for you
16 and not getting to you in a timely manner, bear with
17 us. We're -- hopefully, you know, with lots of
18 software, we have people we need to train. So just
19 bear with us. If you have questions, feel free to
20 call. We'll always talk to you guys, but it might
21 rough for the first few months getting things to you.
22 So keep that in mind.

23 CHAIRMAN EVANS: Okay.

24 So we will probably not be having a
25 meeting in December?

1 MS. EAGAN: As far as I know, we
2 don't have anything.

3 CHAIRMAN EVANS: Okay.

4 MS. EAGAN: But we'll -- we'll
5 send an official e-mail to you guys letting you know.

6 CHAIRMAN EVANS: Okay.

7 Anything else?

8 (NONE)

9 If not, the Chair would entertain a motion
10 to adjourn.

11 COMMISSIONER McLAREN: Motion to
12 adjourn.

13 COMMISSIONER TOBBEN: Second.

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

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER CUNIO: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 CO-CHAIRMAN SCHULTEHENRICH:

1 Aye.

2 COMMISSIONER McCREARY: Aye.

3 CHAIRMAN EVANS: Opposed?

4 (NONE)

5 We are adjourned.

6 (Thereupon, the proceedings
7 conclude at 8:06 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; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:
August 26, 2018

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