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

TRANSCRIPT OF PROCEEDINGS
BOARD OF ZONING ADJUSTMENT
PUBLIC HEARINGS
NOVEMBER 28, 2023
(COMMENCING AT 7:00 P.M.)

REPORTED BY:
PATSY A. MAYBERRY, C. R.
COMPLETE REPORTING SERVICES

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PATSY A. MAYBERRY, C. R.
COMPLETE REPORTING SERVICES
19 BROOKMOORE DRIVE
UNION, MISSOURI 63084
(636)221-0418

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A P P E A R A N C E

PLANNING AND ZONING COMMISSION:

FRED THATCHER, CHAIRMAN

KENT VEDDER, COMMISSIONER

DEREK SCHRIEWER, COMMISSIONER

TIM TOBBEN, COMMISSIONER

STEVE HOFF, COMMISSIONER

PLANNING AND ZONING STAFF:

SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

CRYSTAL HOLDMEIER, PLANNING ASSISTANT

COMPLETE REPORTING SERVICES:

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

2 (NOVEMBER 28, 2023)

3 CHAIRMAN THATCHER: Good
4 evening, all. I think we'd like to open tonight's
5 meeting. Gentlemen. We're kind of informal here.
6 It's important that we all kind of get the facts and
7 get the facts straight.

8 My name is Fred Thatcher. I'm the
9 Co-Chair this evening. Justin Head was unavailable.
10 He is our Chairman, and he was not available this
11 evening. So I'm standing in his place.

12 So with that, I'd like to open this
13 meeting of the Franklin County Board of Adjustment
14 for Tuesday, November 28, 2023.

15 Scottie, could we have roll call,
16 please.

17 MS. EAGAN: Steve Hoff?

18 COMMISSIONER HOFF: Here.

19 MS. EAGAN: Derek Schriewer?

20 COMMISSIONER SCHRIEWER:

21 Present.

22 MS. EAGAN: Fred Thatcher?

23 CHAIRMAN THATCHER: Here.

24 MS. EAGAN: Tim Tobben?

25 COMMISSIONER TOBBEN: Here.

1 MS. EAGAN: And, Kent Vedder?

2 COMMISSIONER VEDDER: Here.

3 MS. EAGAN: Okay. We have a
4 full board.

5 CHAIRMAN THATCHER: Very
6 good.

7 Has everyone received a packet? So as
8 I think it's necessary that we approve the agenda
9 for this evening before we proceed.

10 Do I have a motion to approve the
11 agenda as written?

12 COMMISSIONER TOBEN: I'll
13 make a motion.

14 COMMISSIONER SCHRIEWER:
15 Second.

16 CHAIRMAN THATCHER: We have a
17 second right here. Very good. Any discussion with
18 this at all?

19 (NONE)

20 No. Seeing none, we'll move forward
21 then. So moved.

22 Scottie, I think I need to read the --
23 I'm a little rusty.

24 MS. EAGAN: I'll do the
25 hearing procedures for you.

1 CHAIRMAN THATCHER: Okay.

2 MS. EAGAN: Tonight's Board
3 of Zoning Adjustment hearing is governed by the
4 Franklin County Unified Land Use Regulations.

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

11 (THEREUPON, EVIDENCE WAS
12 MARKED FOR IDENTIFICATION AS
13 BOARD EXHIBITS A, B, C, AND D.)

14 The Board of Zoning Adjustment will
15 address each case as they are listed on the agenda.
16 As each case is opened for hearing, a staff report
17 will first be read to the Board, followed by any
18 questions for the staff.

19 Then if anyone in the audience would
20 like to speak or comment during this public hearing,
21 they must first print their name on the sign-in
22 sheet provided, and then be sworn in by the court
23 reporter.

24 When it is your turn to speak, you will
25 come to the front of the room to address the Board

1 and only the Board, not anyone in the audience, with
2 any comments.

3 At the conclusion of all comments and
4 discussion concerning each case, the public hearing
5 for that case will conclude and the Board of Zoning
6 Adjustment will proceed with a decision.

7 Any decision by the Board may be
8 appealed. If anyone desires to appeal a decision
9 made by the Board of Zoning Adjustment, they need to
10 submit it to Circuit Court.

11 CHAIRMAN THATCHER: Very
12 good. Thank you, Scottie.

13 Have all members received this
14 evening's packets?

15 COMMISSIONERS: Yes.

16 CHAIRMAN THATCHER: Does
17 anyone here have a conflict with what they read in
18 that packet?

19 COMMISSIONERS: No.

20 CHAIRMAN THATCHER: Very
21 good.

22 I think what we need to do first is
23 some old business, and we need to approve the
24 minutes of our last meeting, which was August 23,
25 2022.

1 Do I have a motion to approve those
2 minutes?

3 COMMISSIONER SCHRIEWER:
4 Motion to approve as presented.

5 COMMISSIONER TOBBEN: Second.

6 CHAIRMAN THATCHER: Do I have
7 a second.

8 So moved. All those in favor.

9 CHAIRMAN THATCHER: Aye.

10 CHAIRMAN SCHRIEWER: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER HOFF: Aye.

13 COMMISSIONER VEDDER: Aye.

14 CHAIRMAN THATCHER: Very
15 good.

16 I believe on the agenda we also have
17 voting for election of officers, and I think that
18 the chairperson is to be voted on this evening.

19 That's the only person being voted on,
20 Scottie?

21 MS. EAGAN: It'd be the Chair
22 and the Vice-Chair.

23 CHAIRMAN THATCHER: The Chair
24 and the Vice-Chair.

25 Well, I will agree to being the

1 Vice-Chair. So we can skip that vote.

2 COMMISSIONER HOFF: I suggest
3 that we put Justin back in place as Chairman and
4 Fred back in place as Vice.

5 CHAIRMAN THATCHER: Do I have
6 a second on that?

7 COMMISSIONER VEDDER: I'll
8 second that.

9 CHAIRMAN THATCHER: Do we
10 have any discussion with that?

11 (NONE)

12 Hearing none, so be it. Justin is our
13 new Chairman and I'm the Co-Chairman.

14 There is no Old Business, per se. So
15 that moves us on to the New Business, which is File
16 Number 230262.

17 I would like to hear first -- the way
18 this works, first we hear from anyone who is in
19 favor or presenting, the presenter of the appeal.
20 And then we'll hear from those who are against the
21 motion to approve the appeal.

22 So beginning with that, is there anyone
23 here to speak in favor of the appeal?

24 MS. EAGAN: Before they
25 speak, we'll have the staff report.

1 CHAIRMAN THATCHER: Oh, I'm
2 sorry.

3 MS. EAGAN: No, you're fine.

4 This is File 230262. The applicant is
5 VB BTS II, L. L. C., doing business as Vertical
6 Bridge, care of Collective Solutions.

7 The applicant is seeking a variance
8 from Article 19, Wireless Support Structures,
9 Section 348, F, 1, Height of Tower.

10 The property is located approximately
11 870 feet west of the intersection of Highway YY and
12 Highway C in Lyon Township.

13 THE FACTS: The property is
14 approximately five acres in size.

15 The applicant is seeing a variance from
16 Article 19, Section 348, F, 1, which states:

17 "The maximum height for a
18 wireless support structure is
19 250 feet."

20 The applicant is proposing to build a
21 295-foot wireless support structure.

22 According to the applicant, because of
23 the topographical hardship, the tower will need to
24 be built 18 percent taller than what the code
25 allows.

1 Also according to the application, the
2 site is at the highest elevation within the
3 prescribed search area, and the height of 295 feet
4 will achieve the objective of providing an increase
5 in service for the community.

6 This property is a part of a four-lot
7 subdivision that was platted in 2006.

8 STAFF COMMENTS: According to Section
9 103, A:

10 "A variance may be granted
11 by the Board of Zoning Adjustment
12 if the applicant provides
13 sufficient evidence that the
14 hardship relates solely to the
15 applicant's land, and where, by
16 reason of exceptional narrowness,
17 shallowness, shape or topography
18 or other extraordinary or
19 exceptional situations or condition
20 of a specific piece of property,
21 the strict application of any
22 regulations would result in
23 peculiar and exceptional
24 difficulties to or exceptional
25 and demonstrable undue hardship

1 upon the owner of the property as
2 an unreasonable deprivation of the
3 use as distinguished from the
4 mere grant of a privilege, to
5 authorize, upon an appeal relating
6 to a property, a variance from the
7 strict application as to relieve
8 the demonstrable difficulties or
9 hardships, provided the relieve
10 can be granted without substantial
11 detriment to the public good and
12 without substantially impairing
13 the intent, purpose and integrity
14 of the zone plan as embodied in
15 the zoning regulations and map."

16 CHAIRMAN THATCHER: Thank
17 you, Scottie.

18 Let me digress for a moment. As I said
19 previously, the procedure here will be anybody
20 speaking in favor of this applicant shall come up
21 first. Anybody we will hear their testimony, and
22 then we'll hear anybody who wishes to speak against
23 the proposal. And there will be time for rebuttal.

24 I'll also add that we're here until we
25 hear everybody fairly.

1 With that, please come ahead, sir. You
2 need to sign in with the court reporter.

3 (THEREUPON, THE WITNESS WAS
4 SWORN.)

5 MR. JACKSON GNAEDINGER: Good
6 evening. My name is Jackson Gnaedinger with
7 Collective Solutions. We're a site acquisition firm
8 based out of Valley Park. I'm here tonight on
9 behalf of the applicant, Vertical Bridge.

10 Vertical Bridge is a cell tower
11 company. They build infrastructure for the wireless
12 industry, and the driving force here is T-Mobile.
13 That's the carrier that we're talking about.

14 Before I get too much further, I've got
15 a packet of information I'd like to hand out if I
16 could.

17 MS. EAGAN: You have to have
18 it marked.

19 MR. GNAEDINGER: Most, if not
20 all, of this information is already included in the
21 application. So it's nothing you shouldn't have
22 seen. It's just to help walk through it.

23 (THEREUPON, EVIDENCE WAS
24 MARKED FOR IDENTIFICATION AS APPLICANT
25 EXHIBIT 1.)

1 MR. GNAEDINGER: And I'll run
2 through this first part pretty quickly. The first
3 part is kind of what we're proposing, and then I'll
4 get into the why here and why the request is being
5 made.

6 The first sheet here is the survey.
7 This is showing the property as a whole, as well as
8 our proposed tower site in the southwestern corner
9 coming off of Highway C for access.

10 The next page shows just a little bit
11 more detail as far as the fencing, the variance to
12 be granted, the drive.

13 And again, the next page is just kind
14 of zoomed in our what physically we're proposing
15 there on the ground.

16 This next page is showing the tower
17 elevation view. So this is the tower height 295
18 foot. The tower, as I mentioned, is being
19 constructed for T-Mobile. However, it is being
20 engineered for a minimum of two future carriers as
21 well.

22 So beginning on the next slide are --
23 it's a set of maps that were produced by the RF
24 Engineering Department at the local T-Mobile market.

25 And then this is going to show kind of

1 why we're looking here and what the proposed
2 coverage is going to look like, what the benefit is
3 going to be to the surrounding area.

4 So the first sheet here, if you look at
5 the bottom left, the one marked Slide 7. This is
6 the -- you see in the middle of the map a star.
7 That is the proposed location of the tower.

8 So what we're looking at here is the
9 current existing T-Mobile LTE coverage.

10 You flip to the next page, you'll see
11 the coverage with this new tower included. And if
12 you kind of flip back and forth, you can see that
13 this is filling in a pretty significant gap in
14 coverage here.

15 I know when -- my personal cell phone
16 carrier is T-Mobile, and when I was at this site, I
17 was, you know, visiting the property, taking some
18 photos, I'd say about nine months ago, that I did
19 notice a fairly significant lack of coverage here.

20 That's Slide 9. The next page Slide 9.
21 What this is showing is if you were to, let's say,
22 you turn off every other tower in the area, this is
23 showing just the footprint of what will be covered
24 by this tower. It is a fairly significant area.

25 The reason for that is the coverage for

1 this tower, like any other tower in any other cell
2 network, needs to overlap with coverage from its
3 neighbors to the north, south, east, west. The
4 reason being, that's how you can transfer from one
5 tower to another.

6 You're driving down the road, you know,
7 drop a call every three miles, and then have to
8 reconnect to the next tower. So there has to be
9 that overlap.

10 Now this next page, Slide 10, this is
11 what's called the new radial coverage. This is the
12 5G coverage. So again, you can see here marked by
13 that star in the center where we're proposing this
14 site in the middle of a significant gap in that 5G
15 coverage.

16 Slide 11 is showing with that tower
17 turned on that that gap is filled in.

18 And then again, Slide 12, this is
19 showing if every other tower in the area were to
20 turn off, this is showing the area that is just
21 going to be covered by this tower with 5G service.

22 Next page, I've got that aerial of the
23 parcel, you know, what's shown on the map behind
24 you. This is that GIS. This is just showing kind
25 of marking on the property where we are looking.

1 This property, so that the clear
2 portion at the southern end, that really is the high
3 point of the property. We're looking at -- I've got
4 that number here, the ground level -- it's about 845
5 feet.

6 And then as you go further north into
7 the woods, it does end up dropping to about 820
8 feet.

9 And so the reason that we picked this
10 location on this property, you know, for every foot
11 that we go downhill, we have to raise the tower
12 height another foot to be able to maintain that same
13 coverage.

14 So we picked the highest spot on the
15 property, resulting in the lowest height of tower
16 needed to maintain and achieve the coverage.

17 The next page here, I've just got the
18 FAA determination of no hazard to air navigation.
19 So we've been working with FAA, FCC, you know, all
20 the state, federal agencies, and then do have
21 approval for the height from the FAA.

22 Then the last two pages just touch on
23 the Missouri Tower Siting Act and the
24 Telecommunication Act of 1996. Just there for a
25 reference.

1 So with that, I welcome any questions
2 you may have.

3 CHAIRMAN THATCHER: Gentlemen
4 of the Board, do you have any questions?

5 COMMISSIONER VEDDER: Yeah, I
6 have a few questions.

7 I guess whenever you're saying your
8 prescribed search area, how large an area is that to
9 get your coverage you need as long as you have that
10 elevation?

11 I'm just trying to get an idea. Is it
12 a mile, is it a half mile to get your coverage?

13 MR. GNAEDINGER: Sure. So I
14 don't have an exact on that. I want to say this one
15 was about a half mile, and this area of that search
16 ring was the highest in elevation.

17 If we were to go elsewhere in that
18 area, we would be looking at, you know, probably a
19 350-foot tower to maintain that same coverage.

20 COMMISSIONER VEDDER: And was
21 this the only area that you found that worked, or
22 did you send this out to multiple people in the
23 areas, or was it just based on that spot?

24 MR. GNAEDINGER: Yeah, we did
25 reach out to several property owners. The property

1 owner here, the Trendmens (ph.), they were
2 interested, and you know, the -- you know, at the
3 end of the day, if it doesn't work for the carrier,
4 then we're kind of spinning our tires. And we could
5 find willing property owners left and right, but if
6 we can't meet the coverage objective, then it's --
7 we're kind of dead in the water.

8 And so this property owner was
9 interested, we ran the propagation maps which were
10 included in the application, and found that this was
11 the minimum height, that 295-foot tower, was the
12 minimum height that we could make it work.

13 COMMISSIONER VEDDER: And
14 then I guess I have two more questions.

15 As far as variance requests, I'm going
16 through the codes. Under Article 19, Section 348C-2
17 that states that the distance for the wireless
18 support structure to be to the property line shall
19 be not less than 1.5 times the height of the tower.
20 The fall zone shall be contained within the property
21 line.

22 You've got a 295-foot tower which would
23 require 442, 443 feet to the property lines. I
24 think looking on your plans you're showing like 103
25 foot to one property to the west, 216 to the east.

1 And then also under that same article,
2 in Section C3, it states that you're supposed to be
3 the distance, I think from the height of the
4 wireless structure to a right-of-way, just the
5 height of it, which would be 295 feet. We're only
6 like a hundred foot from the right-of-way.

7 I guess those are two other parts that
8 weren't requested in this variance.

9 MS. EAGAN: As far as the
10 fall zone, --

11 COMMISSIONER VEDDER: This
12 part of the fall zone?

13 MS. EAGAN: -- they can --
14 they submitted a letter from an engineer that
15 verified when this tower fell it would collapse
16 within itself. So if they do that, then we don't
17 require them to get a variance for it.

18 So they do have that.

19 As far as the right-of-way, that is
20 honestly something I missed, so I did not see that.

21 CHAIRMAN THATCHER: I have a
22 question, Jackson, if you don't mind.

23 In terms of the tower collapsing upon
24 itself, what distances -- do you know what distances
25 they would collapse in, 50 per increments or 70 per

1 increments?

2 MS. GNAEDINGER: Yeah, so we
3 got a letter here stamped by a Missouri licensed
4 engineer saying that it would -- I hate to even talk
5 about a tower coming down, but if it were to fall,
6 it would fall within a radius of 75 feet.

7 And so we have a lease area that would
8 encompass that fall zone, and where the base of the
9 tower is more than 75 feet from any structure, any
10 property line, any right-of-way.

11 COMMISSIONER HOFF: Does that
12 include the state highway?

13 MR. GNAEDINGER: It does.

14 CHAIRMAN THATCHER: That's
15 interesting. That's hard to believe. That's some
16 major engineering. You know, what goes up does come
17 down, and it's really hard to believe that it will
18 come in within a 75-foot section or a 30-foot
19 section, it'll stay within the 75-foot fall radius.

20 I'd love to see a letter of whatever
21 you have on that, whatever verification you have on
22 that.

23 MR. GNAEDINGER: I do have
24 just one copy, but I believe I included that in the
25 application.

1 MS. EAGAN: I think I have it
2 in the application.

3 CHAIRMAN THATCHER: But just
4 I think that this Board has a problem with the tower
5 height in the code at 1.5 times.

6 COMMISSIONER VEDDER: I know
7 this one is close to the driveway.

8 CHAIRMAN THATCHER: So...

9 MS. EAGAN: Well, and I think
10 now that I thought about it, we did have another
11 application come through. It didn't actually get
12 before you guys because of the section in our code
13 that says if they provide that letter. So the
14 distance to the property lines and the right-of-way
15 is considered the fall zone.

16 So when we get a letter from a
17 registered engineer saying it can fall within this
18 area and it won't affect those, then they're able to
19 not have to get a variance.

20 This letter is number 4 I think.

21 COMMISSIONER TOBBEN: In our
22 packet?

23 MS. EAGAN: No, no. I was
24 talking about the section of the code that says
25 that.

1 COMMISSIONER TOBBEN: Thank
2 you.

3 MS. EAGAN: So I do have the
4 letter as part of the packet. I can pass it around.

5 CHAIRMAN THATCHER: Do you
6 mind, Scottie, because I think it's a very important
7 letter. It's crucial.

8 Jackson, can you describe the tower to
9 us. Is it green, red? Describe the lights.
10 Describe everything else about it.

11 What impact is it going to have on the
12 homes that are close by? Do you mind.

13 MR. GNAEDINGER: Certainly.
14 So this is the style of tower kind of a
15 self-supporting tower. So it's -- there's no wires
16 coming off it. There's no guy anchors, no guy
17 wires. Everything would be contained within a
18 single compound, fenced compound.

19 It's triangular lattice. So there's
20 three legs. It's the crisscross going up.

21 The appearance, you know, the standard
22 galvanized steel as far as color, and then lighting
23 would be -- all the tower lighting is dictated by
24 FAA. And so I can tell you that the FAA has
25 dictated that it shall be lit, I can -- I'll rattle

1 this off. I don't know exactly --

2 In accordance with FAA advisory
3 circular 70/7460-1M. So essentially it's going to
4 be lit according to what the feds say. You know, I
5 don't have the exact -- I can't tell you that it's
6 going to be white and red and at what heights.
7 That's just dictated by the feds.

8 CHAIRMAN THATCHER: Is it
9 white at night? Is one of my questions.

10 MR. GNAEDINGER: Yeah, so the
11 high-density white, that is during the day. And
12 then it will switch over to the red at night, yeah.

13 CHAIRMAN THATCHER: All
14 right.

15 COMMISSIONER HOFF: Will
16 there be more than one set of lights on the tower?

17 MR. GNAEDINGER: That I don't
18 know. What I can tell you is that anything over 199
19 foot, which we are, I know that that's the cutoff
20 for mandatory lighting.

21 Now as you go up in height, you'll
22 sometimes see specifically like a TV broadcast tower
23 where they're 500, 650 foot tall, you'll see a
24 painted white and orange. That's part of these
25 regulations. We're not required to do that here,

1 but it will have to be lit in accordance with FAA.

2 I just don't know the exact -- you
3 know, I'd hate to say there's going to be a light at
4 150 foot and one at 200 and one at the top. I just
5 don't have that information.

6 CHAIRMAN THATCHER: Anybody
7 else have any questions?

8 COMMISSIONER VEDDER: I do
9 have one other question, and maybe I'm misreading
10 this.

11 But under that Section 348E-1, it says,
12 "Any wires or structure shall be built to
13 accommodate the code use with at least additional
14 providers."

15 You were saying it was you and two
16 providers. Or am I misunderstanding that?

17 I'm understanding that as a total of
18 four providers, not three, on account of how the
19 code is written.

20 MS. EAGAN: Yes. So it would
21 be four total.

22 COMMISSIONER VEDDER: Right.
23 And he was stating that it was him and two other
24 providers.

25 MS. EAGAN: Right.

1 MR. GNAEDINGER: Yeah, it is
2 -- this is showing T-Mobile, future, future. So
3 this drawing is showing three. However, I mean, if
4 you guys would like to make a condition of approval,
5 you know, before applying for a building permit,
6 then we would engineer that for four.

7 MS. EAGAN: Yeah, I mean,
8 even regardless if he gets the variance, he still
9 has to get an administrative permit through the
10 office. And that is something we'll comb through
11 looking at that.

12 COMMISSIONER VEDDER: Okay.

13 MR. GNAEDINGER: I'll tell
14 you, you know, we built these for if we could get
15 eight or tenants on there, we would. So we can -- I
16 think it's just a matter of --

17 COMMISSIONER VEDDER: No, I
18 just didn't want to let this slip by because I saw
19 your drawing and you actually mentioned the two.
20 So...

21 MR. GNAEDINGER: Yeah.

22 CHAIRMAN THATCHER: I have a
23 question for Scottie.

24 Scottie, in terms of Section 19 of the
25 code and the 150-foot requirement, are we going to

1 change that in the code? Are you going to change
2 that?

3 MS. EAGAN: What 150 foot?

4 CHAIRMAN THATCHER: I'm
5 sorry. One and one-half times the tower height
6 requirement, fall radius requirement.

7 MS. EAGAN: Well, we just
8 change the code this year in March, and I believe --

9 CHAIRMAN THATCHER: I didn't
10 see any language in there about self-supporting
11 towers. I may have missed it, but --

12 MS. EAGAN: Let me check. I
13 think we just call everything wireless support
14 structures. I don't think we differentiate between
15 guy and self-supporting.

16 The only thing we differentiate now is
17 stealth structures. So in terms of the fall zone, I
18 thought we changed -- I know we changed at least did
19 in the R, A, and G districts. So are more
20 commercial industrial districts to just the height
21 of the tower.

22 CHAIRMAN THATCHER: Right.

23 MS. EAGAN: When we went to
24 through nobody brought up changing it in the other
25 districts.

1 CHAIRMAN THATCHER: Okay.
2 But there is the tower companies are not required to
3 adhere to that regulation or that -- they're not
4 required to adhere to that if they have a
5 self-imploding tower?

6 MS. EAGAN: As long as we
7 receive that certification from an engineer.

8 CHAIRMAN THATCHER: Okay. I
9 just wanted to make sure.

10 MS. EAGAN: Yes.

11 CHAIRMAN THATCHER: Very
12 good.

13 Does anyone else have any questions of
14 this applicant?

15 COMMISSIONER TOBBEN: I just
16 read that, and it talked about extreme catastrophic
17 events. It wouldn't be subject to that. I noticed
18 that. I don't know what would maybe fall under
19 that.

20 MR. GNAEDINGER: So that
21 would be, you know, let's say a tornado comes
22 through and wipes out that four-mile wide swath
23 where there's nothing left standing.

24 Would that tower in that tornado be
25 part of the -- if the earth opens up and everything

1 falls into the chasm, that's --

2 CHAIRMAN THATCHER: Does
3 anyone else have any questions?

4 (NONE)

5 Thank you, Jackson. Your last name?
6 I'm sorry. Your last name?

7 MR. GNAEDINGER: Gnaedinger.

8 CHAIRMAN THATCHER:
9 Gnaedinger. Thank you, Mr. Gnaedinger.

10 Is there anyone here who wishes to
11 speak in opposition to this proposal?

12 Please come up, sir. Sign in. We'll
13 need your name and address first for the record.

14 MR. TERRY PEIRECK: My name's
15 Terry Peireck. 2798 Highway C. I'm right there to
16 the right of the property. I got the little parcel
17 of ground right there.

18 CHAIRMAN THATCHER: Mr.
19 Peireck?

20 MR. PEIRECK: Yes.

21 CHAIRMAN THATCHER: Let's --
22 are you here or here?

23 MR. PEIRECK: I'm on the right
24 side, same side of the road. The little square,
25 that's me.

1 Yeah, there is one property between it.

2 MS. EAGAN: You need to be
3 sworn in, sir.

4 MR. PEIRECK: Okay.

5 (THEREUPON, THE WITNESS WAS
6 SWORN.)

7 MS. EAGAN: Sign our paper.

8 MR. PEIRECK: Yeah, what I
9 was wondering goes back to him. Is in the future on
10 building, how close can a person build to that
11 thing, I mean as far as, do we know or -- I mean,
12 once restricted, there going to be a whole bunch of
13 restrictions now because of that being...

14 All right. What about the person that
15 holds that property; will they still be able to
16 build on that property?

17 CHAIRMAN THATCHER: The lease
18 area is 100 by 100. The fall zone area is 75 feet
19 according to the engineer.

20 MR. PEIRECK: Yes.

21 CHAIRMAN THATCHER: So with
22 that, you can build right upon the line would be my
23 understanding. I'm not the Building Department.

24 MR. PEIRECK: Right.

25 CHAIRMAN THATCHER: But my

1 understanding would be they can build right up to
2 the -- there's no setback. There's no setback
3 whatsoever.

4 Now common sense might dictated you
5 wouldn't want to build right next to it.

6 MR. PEIRECK: Right. I mean,
7 you already said there was no guy wires coming down
8 as far as -- it ain't going to be as ugly as most of
9 them or a lot of them.

10 COMMISSIONER VEDDER: I think
11 they got a thing that's a three-post structure is
12 what they're proposing.

13 MR. PEIRECK: Yeah, that's --
14 and he said it was being fenced I guess. Nobody
15 climbing around on it and mess around on there.

16 And they got a right-of-way going
17 straight off this -- are they going to put their own
18 driveway in and culvert?

19 MS. EAGAN: They'll be
20 required to get a MoDOT permit.

21 MR. PEIRECK: They got to do
22 that. See, I was just with the Pates (ph.) and
23 Trentmans, and they just had a bunch of questions.
24 They weren't quite sure the dos and don'ts on their
25 own property.

1 It doesn't seem as if it's going to
2 deter them too much from building in the area.
3 Well, you think a tower, you keep all your housing
4 pretty further away than -- yeah.

5 CHAIRMAN THATCHER: Is there
6 a reason why they did not come this evening?

7 MR. PEIRECK: I have no idea
8 where they're at. I thought they'd be here.

9 CHAIRMAN THATCHER: And they
10 were notified?

11 MS. EAGAN: Everyone within
12 600 feet.

13 CHAIRMAN THATCHER: Six
14 hundred feet. So they would have been noticed.
15 Very good.

16 Any other questions this gentleman?

17 COMMISSIONER VEDDER: I don't
18 have any questions.

19 COMMISSIONER HOFF: So do you
20 actually oppose this?

21 MR. PEIRECK: Not really. I
22 got a big shade tree. I look that way every day and
23 across that field when I drink coffee. But I'm
24 looking at a power line anyway. You know, I got a
25 power line right there beside me coming off that --

1 see that white driveway you got there?

2 COMMISSIONER HOFF: Yes.

3 MR. PEIRECK: That's pretty
4 much a power line right there that goes all the way
5 through.

6 And as far as I'm concerned, it's a
7 pretty good deal for the Trentman. You know, I like
8 to get along with the neighbors.

9 COMMISSIONER TOBBEN: The
10 Trentmans don't live on this property?

11 COMMISSIONER HOFF: No.

12 COMMISSIONER TOBBEN: I
13 didn't think so. I didn't see any houses or any
14 structures.

15 MR. PEIRECK: No, they don't
16 live there. No.

17 CHAIRMAN THATCHER: Anyone
18 else have questions?

19 (NONE)

20 Thank you, Mr. Peireck:

21 MR. PEIRECK: All right.

22 CHAIRMAN THATCHER: Let's
23 see, I think I have a question of Jackson. I'm
24 sorry. I misplaced your last name.

25 MR. GNAEDINGER: That's all

1 right. I get it all the time. Gnaedinger.

2 CHAIRMAN THATCHER: I'll
3 write that down. Oh, shoot. I forgot my question.

4 COMMISSIONER HOFF: While
5 you're thinking, I think I have a question.

6 CHAIRMAN THATCHER: Go ahead,
7 I'm sorry.

8 COMMISSIONER HOFF: This
9 driveway access that you're putting down, is this
10 going to be a shared driveway with the Trentmans, or
11 is it going to be primarily your driveway, and
12 they're going to have another driveway put in if
13 they want to build or develop?

14 MR. GNAEDINGER: So it would
15 be non-exclusive. They would be welcome to use it.
16 We will be putting it in. So currently there is a
17 clearing in the trees, and it looked -- to me, it
18 looks like there is maybe like a hunting blind or a
19 hunting stand up there, and then it looks like this
20 access -- there's a -- I want to say there is a
21 culvert there, but there is existing access.

22 I mean, I drive a -- you know, a small
23 sedan, and I was able to drive over it and get onto
24 the property. So there's something there that's
25 existing. Obviously, like Ms. Eagan said, we would

1 be working with MoDOT to get a proper permit for
2 improving that entrance. And then that would be --
3 that they would be open to -- it would be available
4 for them to use for any further development.

5 CHAIRMAN THATCHER: I
6 remember my question. You talked that this was a
7 cell tower. This also is for computers, is it not,
8 anybody using Wi-Fi computers, internet service,
9 that sort of thing, correct?

10 MR. GNAEDINGER: Sure. So
11 the tower itself is, you know, to break it down,
12 it's just a piece of steel. Depending on what you
13 hang on it is what you get out of it.

14 And so right off the bat, again, this
15 is for T-Mobile. I know that they are -- they're
16 going to be putting up their 4G and their 5G. Now
17 their 5G stuff includes their currently offering
18 like a home internet service. And so that would be
19 -- this tower would provide that sort of service.

20 And then let's say the County's
21 emergency management department wanted to, you know,
22 hang some antennas on there. It would be available
23 for that. I know that DISH network is -- when
24 T-Mobile merged, they became the big four became the
25 big three. And now DISH is -- they're creating

1 their own network nationwide. It would be available
2 to them. AT&T and Verizon obviously, and so it's
3 multi-use, multi-purpose.

4 CHAIRMAN THATCHER: In terms
5 of T-Mobile, are all their towers about the same
6 strength load, or are they different towers at
7 different strength, and are the transmitters or the
8 receivers, do you know if they're all about the
9 same?

10 The reason why I ask this question, I
11 use T-Mobile and it's a very good service. I get
12 500 and 600 meg off a little tiny round device. It
13 works extremely well.

14 MR. GNAEDINGER: Yeah.

15 CHAIRMAN THATCHER: Extremely
16 well, and I think that it's very important that the
17 rural areas have as much access as anybody will here
18 in Washington and Union and Pacific.

19 So it's of interest to me. You know, I
20 keep seeing these companies grow higher and higher.
21 In lieu of making more and more, maybe in the future
22 we'll see not as much height because it just keeps
23 growing.

24 You're approaching 300 feet, and it
25 seems that this Board has received what, four or --

1 three or four variances in the last two years, three
2 years, for cell tower heights.

3 And I don't know if the Planning and
4 Zoning Department has any discussion about tower
5 heights.

6 MS. EAGAN: We just modified
7 it. We -- it used to be 200, and we went up to 250.

8 CHAIRMAN THATCHER: And
9 you're asking for an additional 45 feet. So...

10 MR. GNAEDINGER: So that's a
11 very good question. The -- if you look at those
12 maps -- so when you get into a more densely
13 populated area, what you'll see is there are these
14 300 and 350 foot towers, and they're spaced just
15 about as far apart as we are building here.

16 So those are kind of -- if you can
17 think of that as like the base coverage. It's the
18 wide and far coverage. It covers a large area, and
19 so what -- as you get more and more densely
20 populated and more and more users are hanging off
21 that tower using up the bandwidth of that tower, the
22 physical signal still goes this far. The
23 availability of that signal, it shrinks that service
24 area.

25 If you think of it like, you know, you

1 got a water pipe at the beginning of your
2 neighborhood, the first guy gets great water
3 pressure. At the end of the pipe, if everyone's got
4 their shower running, they get -- you know, you get
5 the dribbles.

6 And so this tower, this you know, 300,
7 295-foot tower, this is kind of like the base
8 foundation. You can see in those facts that there's
9 just not T-Mobile coverage in this area.

10 And so as the usage increases and the
11 capacity of that tower is used up, that area
12 shrinks. And so what the -- these guys do is come
13 in between the 300-footers with 200-footers.
14 They'll put it -- you'll have three towers. This
15 circle is shrinking, this one is shrinking, this one
16 is shrinking. It leaves a hole in the middle.

17 So you put something in the middle at a
18 lower height and it covers a certain area. Then as
19 those keep shrinking, that's where you get to the --
20 you know, it gets all the way down to, you know,
21 downtown St. Louis where they've got, you know,
22 every couple of blocks, they've got a 20-foot light
23 pole that they have antennas attached to.

24 And so the tall height is you kind of
25 think of it as, you know, paving the first road.

1 The next tower is adding a lane, and then those
2 small cells we call them are kind of filling in the
3 potholes along the path.

4 CHAIRMAN THATCHER: Thank
5 you.

6 COMMISSIONER SCHRIEWER: I
7 have a question.

8 CHAIRMAN THATCHER: Go ahead.

9 COMMISSIONER SCHRIEWER: If
10 the tower was built at 250 feet, is there a way to
11 quantify how much lost coverage you would have from
12 the 295, or I don't know?

13 MR. GNAEDINGER: So I did
14 pose that question to the local RI team. They --
15 you know, I don't have that. I'm not able to
16 quantify that. What they told me was that it would
17 not reach the coverage objective.

18 And so what you would end up with is,
19 you know, 200 -- let's say a 250-foot tower here
20 rather than 300. That would leave gaps between this
21 site, the neighboring sites, three or four
22 surrounding it. You'd be looking at, you know, an
23 additional three, four towers in those gaps right
24 off the bat rather than as that coverage capacity is
25 used up.

1 So that's -- you know, this is -- this
2 gets it done without the need for immediate
3 ancillary towers in the -- within a mile to fill in
4 the gaps between this and the neighborhood sites.

5 COMMISSIONER SCHRIEWER: I
6 guess while we have you at the mic, to his comment
7 earlier, we have the issue where this is supposed to
8 be the distance from setbacks should be the height
9 of the tower.

10 I assume that height of the tower is
11 intended for the cases where we have to deal with a
12 fall zone, and so I guess we'll have to discuss that
13 idea of -- let's assume in this case we need to move
14 this 295 feet off of each line.

15 You start getting into the middle of
16 this property, you alluded to something like, I know
17 we're at 847 feet in the projected proposed site.

18 You mentioned it's a downward slope
19 away from the road. I know topography fairly well,
20 but you're sloping away, right, downward when you
21 said something about 120 feet of elevation. You're
22 talking 27 feet of difference. So the 295 but then
23 you'd be at 332.

24 What would you comment -- with that
25 being said, what's your comment back to that? How

1 would we address this as you are proposing here
2 tonight?

3 MR. GNAEDINGER: Yeah, so
4 it's kind of one of those self -- it's a feedback
5 where you need to be this far away. You end up
6 going downhill. You have to raise the height. You
7 have to push it back further. You end up further
8 downhill, and so the location that is here, it
9 really is the highest point on the property, and it
10 is what we were talking about, what was it, roughly
11 18 percent of a request of the relief from that max
12 height.

13 The further we push it back, the larger
14 that number becomes. So this is -- then the
15 location that we are proposing minimizes the height
16 to the rest of the topography that the property will
17 allow.

18 COMMISSIONER TOBBEN: As far
19 as the County is concerned though, the fall zone,
20 we're okay on all the right-of-way, the --

21 MS. EAGAN: The property
22 lines.

23 COMMISSIONER TOBBEN: --
24 property lines? There's no variance needed other
25 than the 295 feet versus the 250, right?

1 MS. EAGAN: Correct.

2 COMMISSIONER TOBBEN: Yeah, I
3 think you read that earlier, you got Section C3 that
4 reads that wireless support structures shall be set
5 back for private rights-of-way a distance equal to
6 the height of the wireless structure.

7 That's separate from the fall zone,
8 correct? I get that it's tied to it, but it still
9 reads rather specifically that it needs to be that
10 far.

11 MS. EAGAN: I mean, I can
12 bring it up to Mark again. We had a tower come
13 through that did apply for a fall zone request for a
14 variance, and I brought it to him with number 4, and
15 he said well, they wouldn't need it because they
16 have that letter from the engineer that says it's
17 going to fall within the -- I don't remember what
18 that fall zone was. Let's say this one is 75 feet.
19 Therefore, it's pushed back enough to meet that
20 distance.

21 But I can bring it up to him again.

22 COMMISSIONER HOFF: I know
23 these engineers are pretty smart. I'd like to see a
24 tower fall and see if it falls within that distance.

25 MS. EAGAN: I mean, so far

1 I've been here, you know, almost 17 years, and I
2 have yet to see one of our towers fall.

3 COMMISSIONER VEDDER: Yeah,
4 that was just my concern because, I mean, you're
5 looking, one, two, three, actually probably three or
6 four houses live in the 1.5 times fall zone.

7 MS. EAGAN: Yeah.

8 COMMISSIONER VEDDER: So...

9 COMMISSIONER HOFF: You got
10 the house across the road within that fall zone of
11 the whole height.

12 MR. GNAEDINGER: Correct.

13 MS. EAGAN: And when we
14 originally wrote these regulations, the technology
15 of the tower was they would just fall over and
16 collapse.

17 Since the initial regulations, times
18 have changed, technology has gotten better to where
19 they have -- and you can correct me -- stress points
20 where if the tower is going to fall, there are
21 certain areas where the tower will break. So that
22 tower will continue to fall down in itself.

23 COMMISSIONER SCHRIEWER: I
24 wouldn't call them engineer weak points, rather they
25 engineer it -- they strengthen other portions of the

1 tower so that, again, it's not a weak point.

2 MS. EAGAN: Right.

3 COMMISSIONER SCHRIEWER:

4 There are other portions that are stronger. So
5 you've got, you know, I don't know how many
6 different distinct pieces of steel that make up this
7 tower. You know, 90 percent of them are of a
8 certain strength. Then they calculate where the ones
9 that are still structurally sound but are -- I'm
10 avoiding trying to use -- you know, it's weaker, not
11 so strong.

12 And so if the -- you know, the category
13 5 hurricane miraculously comes through the county,
14 that those points would fail first, and those are
15 engineered so that it would -- again, these things
16 don't tip over. Especially in the case of 1.5 times,
17 it's not going to tip over and then tumble.

18 COMMISSIONER HOFF: So
19 basically it's going to stand.

20 MR. GNAEDINGER: Correct.
21 Yeah, and these things aren't engineered, you know,
22 to the wind loading and they -- don't quote me on
23 the exacts because again I'm certainly not an
24 engineer, but they do these calculations based on,
25 you know, a half inch of ice on every surface of

1 this tower. So you add in all that extra weight
2 plus the 120-mile-an-hour gusts, and then it's, you
3 know, again, it's engineered to break into pieces
4 that would fall within that prescribed 75 foot.

5 COMMISSIONER SCHRIEWER: That
6 led me to another question that we had on the last
7 one that we had looked at had a wind rating of over
8 200 miles per hour. And this one was noted at 108
9 and only 60 something with ice, and that starts to
10 be a little concern to me, but I wouldn't think
11 that's something we deal with. That's something
12 Building would really deal with, right?

13 MS. EAGAN: Uh-huh.

14 CHAIRMAN THATCHER: Well, it
15 strikes me that the fall zone is basically approved.
16 The fact that it will collapse upon itself, that's
17 really our main concerns here.

18 MS. EAGAN: Yeah, and we used
19 to never get letters like that from engineers back
20 in the day.

21 CHAIRMAN THATCHER: Uh-huh.

22 All right.

23 COMMISSIONER TOBEN: Is Mark
24 with the Building Department?

25 MS. EAGAN: Mark Piontek is

1 our county attorney.

2 COMMISSIONER TOBLEN: Oh,
3 county attorney. Okay.

4 COMMISSIONER VEDDER: Yeah, I
5 guess it isn't going to work that it came from the
6 code to the public right-of-way. I don't know if
7 that's a state --

8 MS. EAGAN: That's something
9 we just came out with.

10 COMMISSIONER VEDDER: --
11 requirement or is that something you come up with
12 one time to prevent -- I didn't know if there were
13 any state statute that says --

14 MS. EAGAN: No, the statutes
15 have actually --

16 COMMISSIONER VEDDER: -- you
17 have to be a minimum off the right-of-way?

18 MS. EAGAN: No, they have
19 lessened the restrictions on companies, which is why
20 we had to change our code because our code was too
21 strict.

22 COMMISSIONER VEDDER: Okay.

23 MS. EAGAN: So we had to
24 lessen our code. The fall zone is something, I
25 think it still gives us the right to choose what we

1 want. Like I said, we never used to allow letters
2 from engineers, but with the technology now, we do.

3 COMMISSIONER VEDDER: Yeah, I
4 was just making sure there wasn't any state regs
5 that regulates how far a tower should be away from
6 the right-of-way.

7 COMMISSIONER HOFF: I know
8 many commercial buildings that can build right on
9 the state property line. I don't know why they let
10 you do that, but you can.

11 So this is considered a commercial
12 building project.

13 CHAIRMAN THATCHER: Even at
14 that statement with that height, I mean something
15 that's 200 feet tall?

16 COMMISSIONER HOFF: I don't
17 think they have a regulation now.

18 CHAIRMAN THATCHER: Just some
19 clarification from me. When you last discussed with
20 Mark and with the Zoning Board about this 250 foot
21 limitation, can you enlighten us at all to that?

22 MS. EAGAN: Well, we used to
23 have it 200, and then the previous one that did come
24 before you, before it came before you, we had lots
25 of discussions with them and other tower providers.

1 And they said that 250 really should be
2 a minimum that you look at for a height. There's
3 not too many towers anymore that go below that in
4 our area.

5 So they requested we look at our code
6 again to look at the height of the towers. So we
7 just went the 250 because of the conversations we
8 had with other tower providers.

9 CHAIRMAN THATCHER: Was there
10 any discussion of how the other towers in the county
11 that are 299 feet to -- two that are 299 foot and
12 one that's 154 feet?

13 MS. EAGAN: We only -- we
14 looked at all the towers all back when those were
15 approved. They were conditional use permits.

16 So we don't want to go back to the
17 conditional use permit route. We still wanted to
18 keep it administrative. So rather than go the
19 extreme height of the 300 foot, which I think would
20 be more detrimental to the surrounding property
21 owners than the 250, we wanted to kind of keep it at
22 that 250 where if they wanted more, then the
23 neighbors could come in and voice their concerns.

24 CHAIRMAN THATCHER: All
25 right. Thank you very much.

1 MR. GNAEDINGER: Yeah, thank
2 you.

3 CHAIRMAN THATCHER: Is there
4 anyone else here who wishes to speak in opposition
5 of this proposal?

6 COMMISSIONER HOFF: Or in
7 favor of.

8 CHAIRMAN THATCHER: Or in
9 favor of?

10 (NONE)

11 Seeing none, we'll go ahead and close
12 that portion.

13 Is there any discussion amongst the
14 Board members here?

15 What are your thoughts, any?

16 COMMISSIONER VEDDER: Go
17 ahead.

18 COMMISSIONER TOBEN: I guess
19 the only question I have is for Scottie. Are we
20 allowed to make a recommendation subject to our --
21 what Mark knows about the fall zone and/or get --

22 MS. EAGAN: I don't know how
23 to answer you because our old attorney, Mark
24 Vincent, said you can't put any conditions on a
25 variance.

1 I've never talked to Mark Piontek about
2 conditions on variances because I don't know, but
3 you can't put restrictions on variances because you
4 really have no backbone to go back on it because a
5 variance is just for the code.

6 You can't put more restrictions on it.

7 COMMISSIONER SCHRIEWER: And
8 the rezoning and things like that where we can
9 create those conditions?

10 MS. EAGAN: Correct.

11 COMMISSIONER TOBEN: It's
12 2023. The reality is we live in a world where we
13 have to have these towers, and it's just a part of
14 living in the current age, and they're everywhere
15 regardless of whether it be Franklin County or
16 anywhere you're going to travel anywhere in the
17 United States. They're everywhere. So they're a
18 necessity.

19 I'm leaning towards being in favor of
20 it, but I'm also concerned about whether or not it's
21 in violation of the fall zone. You know, if whether
22 this proposal is in violation of the fall zone for
23 any of those property lines or right-of-way, and we
24 don't know that. How do we make a decision for it.

25 MS. EAGAN: Well, I can tell

1 you this. If you make a determination that, you
2 know, you're going to grant the height of 295 feet,
3 then I can go to Mark and see what his thoughts are,
4 and if he says yeah, they need it, then they get a
5 variance for the fall zone, because how would we
6 know they need a variance for the fall zone if you
7 guys don't approve the tower height.

8 CHAIRMAN THATCHER: The
9 application currently is only for the adjustment to
10 the height in this case. We would potentially, in
11 theory, say yeah, we're okay with the height, and
12 when that would take place, it would go through a
13 process with the County where you guys would then
14 say actually we still need a second variance for
15 this to take place, --

16 MS. EAGAN: Yeah, that --

17 CHAIRMAN THATCHER: --
18 because you're not this far away.

19 COMMISSIONER VEDDER: You
20 make that determination.

21 MS. EAGAN: Because now we
22 know because you guys approved the height at 295
23 rather than any other tower height that would come
24 before you.

25 COMMISSIONER SCHRIEWER: I

1 can wrap my head around that so they'd have to come
2 back. There would be another application fee and
3 there would be, because we're being told that needs
4 to be adjusted as well, and that's not being
5 presented to us tonight?

6 MS. EAGAN: Correct.

7 COMMISSIONER SCHRIEWER:

8 Okay. To his point, I mean, there's a need
9 specifically in this area for cell services, and the
10 topography of that area is quite specifically why
11 it's for this is a high point. But there's nearby
12 two or three points that are probably 20 feet
13 taller, and that creates this real issue where
14 anywhere outside of this specific spot on this
15 property you're creating more of an impact, negative
16 impact, by forcing them to move it.

17 Then you're also the public is
18 negatively impacted because they're going to have
19 less or less quality service.

20 So I think along with Tim I see the
21 need, and I also see why we need to consider this
22 variance, the benefit of the public, specifically
23 the topography of not just this property but the
24 outlying areas.

25 That's my two cents. But I like that

1 covered because if it's not, I don't want it -- I
2 don't want it to be 75 feet from the line because
3 it's 75-foot fall zone. I want that to be addressed
4 and covered through the County process.

5 COMMISSIONER TOBEN: Yeah.

6 CHAIRMAN THATCHER: So the
7 closest building here is what, 200, the one across
8 the street?

9 COMMISSIONER SCHRIEWER: The
10 one across the street is 265.

11 COMMISSIONER HOFF: The one
12 farm right next to it is much closer. They got
13 buildings there on site and solar panels.

14 CHAIRMAN THATCHER: I think
15 the distance was -- it's on here.

16 COMMISSIONER SCHRIEWER: They
17 gave us that one. I assume that's because it's the
18 closest, but yeah.

19 COMMISSIONER VEDDER: Being
20 350 --

21 CHAIRMAN THATCHER: Three
22 hundred and fifty feet?

23 COMMISSIONER VEDDER: Yeah.

24 CHAIRMAN THATCHER: But
25 that's not, you know, the barn. The house itself is

1 350 feet. The barn looks to be much closer than
2 that.

3 So really I would then understand our
4 concerns here with the fall zone even though an
5 engineer signed off on the fall zone being 75 feet,
6 which is really hard to believe.

7 I'm sorry. They said the Titanic
8 wouldn't sink, you know.

9 COMMISSIONER HOFF: That's my
10 biggest thing is the fall zone. Even on our last
11 time we approved, that was my big thing. I do --
12 can ask him another question?

13 CHAIRMAN THATCHER: You can.

14 COMMISSIONER HOFF: Jackson.

15 MS. EAGAN: I thought you
16 closed.

17 CHAIRMAN THATCHER: I closed
18 it.

19 COMMISSIONER HOFF: Jackson,
20 I'm sorry.

21 COMMISSIONER TOBBEN: My
22 thought, my motion would be to approve the 295 foot
23 height as requested, and with the understanding that
24 the fall zone is a separate matter, that we don't
25 really get to vote on or have a say in tonight, and

1 that's a separate matter.

2 CHAIRMAN THATCHER: But that
3 will come back to us.

4 COMMISSIONER TOBBEN: But
5 that will come back to us, but that's not a matter
6 for tonight.

7 COMMISSIONER HOFF: Tonight
8 it's just the height. I'll second.

9 CHAIRMAN THATCHER: So that's
10 a proposal, we have a proposal?

11 COMMISSIONER TOBBEN:
12 (Nodding.)

13 CHAIRMAN THATCHER: So let me
14 repeat that. So what you propose is that this
15 application be approved as presented? Am I correct
16 on that?

17 COMMISSIONER TOBBEN: Yeah.

18 CHAIRMAN THATCHER: Any other
19 discussion?

20 (NONE)

21 Do I have a second?

22 COMMISSIONER HOFF: I second.

23 CHAIRMAN THATCHER: Second by
24 Steve.

25 Do we need to put that to a vote or do

1 we not?

2 MS. EAGAN: I'm sorry?

3 CHAIRMAN THATCHER: Scottie,
4 did you get the language on that?

5 MS. EAGAN: I just have a
6 motion to approve as presented.

7 CHAIRMAN THATCHER: That's
8 it.

9 MS. EAGAN: Much easier.
10 Steve Hoff?

11 COMMISSIONER HOFF: Yea.

12 MS. EAGAN: Derek Schriewer?

13 COMMISSIONER SCHRIEWER: Yea.

14 MS. EAGAN: Fred Thatcher?

15 CHAIRMAN THATCHER: Yea.

16 MS. EAGAN: Tim Tobben?

17 COMMISSIONER TOBBEN: Yea.

18 MS. EAGAN: Kent Vedder?

19 COMMISSIONER VEDDER: Yea.

20 MS. EAGAN: All right. With
21 five in favor and zero opposed, the variance is
22 approved.

23 Can I clarify one thing?

24 CHAIRMAN THATCHER: Yes.

25 MS. EAGAN: You guys were

1 talking about the structures next to it being within
2 the fall zone.

3 I don't think in this zoning district
4 we talk about structures for the fall zone. In this
5 district, we just look at property lines.

6 CHAIRMAN THATCHER: Really?

7 MS. EAGAN: Uh-huh.

8 CHAIRMAN THATCHER: So if
9 it's next to a residence, 265 feet or 180 feet away
10 from it, we don't talk about it?

11 MS. EAGAN: No. Only in the
12 A, R and G Zoning Districts do we look at any
13 off-site single-family, multi-families,
14 non-residential structures.

15 In W, Y, O, T, B, and C Districts it's
16 a distance from the structures to the property line.
17 We don't talk about anything off-site.

18 CHAIRMAN THATCHER: Then
19 there's that secondary one that comes in just a few
20 paragraphs later that notes specifically the public
21 right-of-way setback?

22 MS. EAGAN: Yes.

23 CHAIRMAN THATCHER: Correct?

24 MS. EAGAN: Yeah.

25 CHAIRMAN THATCHER: Which is

1 where I'll be curious to see how that proves out.

2 MS. EAGAN: Yeah.

3 CHAIRMAN THATCHER: But
4 that's fine. Then on the comment if it were to be
5 approved, they'd have to go through some building
6 zone, like building process. But when I just ran a
7 quick search, it appeared the building code does not
8 cover wireless cell phone structures or support
9 structures.

10 So I was just curious if we technically
11 are the ones who would need to be able to do that,
12 or if the County --

13 MS. EAGAN: They do -- it
14 goes to the Building.

15 CHAIRMAN THATCHER: Okay.

16 MS. EAGAN: So they'll have
17 to get an administrative permit from my department
18 first, and then they do get building permits our
19 department.

20 COMMISSIONER SCHRIEWER: A
21 tower to see because I was just curious about the
22 wind striking it, just curious about it. That's
23 all.

24 MS. EAGAN: Yeah. We get new
25 towers, we get modified towers, anything like that

1 with the Building Department.

2 COMMISSIONER SCHRIEWER:

3 Thank you, Scottie.

4 CHAIRMAN THATCHER: Do I have
5 a motion to adjourn.

6 COMMISSIONER SCHRIEWER: So
7 moved.

8 COMMISSIONER VEDDER: Second.

9 CHAIRMAN THATCHER: We are
10 adjourned.

11 (THEREUPON, THE PROCEEDINGS
12 CONCLUDED AT 8:12 P.M.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) SS
COUNTY OF FRANKLIN)

I, PATSY A. MAYBERRY, 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 witness whose testimony appears in the foregoing transcript was duly sworn by me; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken; further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Mayberry, Court Reporter
Notary Public, State of Missouri
My Commission Expires: September 14, 2026