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Planning & Zoning Meeting

February 8, 2024

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Jefferson County, Missouri

JEFFERSON COUNTY, MISSOURI  
PLANNING AND ZONING COMMISSION  
MEETING AND PUBLIC HEARING

February 8, 2024

6:30 P.M.

Jennifer M. Jett, CCR  
MISSOURI CCR NUMBER: 634

1	E X H I B I T S		
2			
3	Exhibits	Description	Identified
4	Exhibit A	Official Master Plan for Jefferson County, Missouri	Page 10
5	Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 10
6	Exhibit C	Planning Division Staff Report and Respective Case File	Page 11
7			
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12	[Exhibits retained by Counsel.]		
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1                    JEFFERSON COUNTY PLANNING AND ZONING  
2                    COMMISSION MEETING AND PUBLIC HEARING, February 8,  
3                    2024, between the hours of 6:30 in the evening and  
4                    6:47 in the evening of that day, at the Jefferson  
5                    County Administration Center, 729 Maple Street,  
6                    Hillsboro, Missouri 63050, before Jennifer M. Jett,  
7                    MO-CCR.

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9                    A P P E A R A N C E S

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11                    PLANNING AND ZONING COMMISSION:

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13                    Jessie Scherrer  
14                    Johnathan Sparks  
15                    Larry Adkins  
16                    Jeffrey Spraul  
17                    Mike Huskey

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20                    PLANNING DIVISION STAFF:

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22                    Dennis J. Kehm, Jr.  
23                    Josh Jump  
24                    Rachel Krispin  
25                    Elaine Roesch

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28                    COUNTY COUNSELOR:

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30                    Jason Cordes

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33                    DIRECTOR OF COUNTY SERVICES:

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35                    Mitchell Bair

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1                   IT IS HEREBY STIPULATED AND AGREED by and  
2    between the parties, that this meeting may be taken in  
3    shorthand by Jennifer M. Jett, a Certified Court  
4    Reporter, and afterwards transcribed into typewriting.

5                   -----

6                   COMMISSIONER SCHERRER: Ladies and  
7    gentlemen, this evening's activities represent a  
8    public hearing before the Planning and Zoning  
9    Commission. The public hearing is designed to allow  
10   for citizens and other interested parties to provide  
11   the Commission and, ultimately, the County Council  
12   with information, comments, testimony, and evidence to  
13   assist the Commission in making a more informed  
14   decision relative to the applications before it and  
15   for making recommendations to the council on those  
16   applications.

17                  Each individual wishing to address the  
18    Commission on a specific application must complete an  
19    oath form. These forms are located in the rear of the  
20   room. It is important that speakers place the agenda  
21   item number on this form so that an accurate record  
22   can be maintained. You are also required to print  
23   your name and address and sign this form. When the  
24   Chairman asks if anyone is in attendance wishing to  
25   speak on the specific application, those wishing to

1 provide comment are required to come forward, provide  
2 their name and address, and address their comments to  
3 the Planning and Zoning Commission.

4                   It is important to remember that the  
5 members of the Planning and Zoning Commission will  
6 make a decision on each application and you should  
7 direct all comments to the Commission. Respond --  
8 excuse me. Responding to the audience both wastes  
9 time and may reduce the impact of your statement.  
10 Members of the Planning and Zoning Commission may  
11 question any speaker. This Commission will not  
12 tolerate verbal outbursts or disruptions from the  
13 audience nor will this Commission tolerate personal or  
14 abusive attacks directed at county staff.

15                   The structure of the meeting is as follows:  
16                   The Chairman will introduce each project by  
17 name and number and will then direct the staff of the  
18 Planning Division to present the application. The  
19 staff representative will then present a brief  
20 overview of the application. The Commission may  
21 question the staff relative to the project. The  
22 Chairman will call -- will then call the petitioner,  
23 the party that submitted the application.

24                   The petitioner will have ten minutes -- I'm  
25 sorry.

1                   The petitioner may call additional  
2                   individuals, generally supporting consultants, and is  
3                   allowed a ten-minute, uninterrupted period for  
4                   presentation of the facts surrounding the application.  
5                   After completion of the presentation of the  
6                   application, the members of the Commission may ask  
7                   questions of the petitioner relative to the  
8                   application. There is no time limit for questions  
9                   from the Commission.

10                  After all questions from the Commission  
11                  have been heard, the Chairman will ask if there are  
12                  any citizens wishing to address the Commission who are  
13                  in favor of this application to come forward. There  
14                  will be a total of five minutes allocated for public  
15                  comment in favor of the application. The Commission  
16                  may ask questions of any speaker. The time used for  
17                  speakers to answer questions will not be subtracted  
18                  from the five minutes allocated from this portion of  
19                  the hearing.

20                  After all questions from the Commission  
21                  have been heard, the Chairman will ask for any citizen  
22                  wishing to address the Commission who are opposed to  
23                  this application to come forward. There will be --  
24                  there will be a total of 20 minutes allocated for  
25                  public comment in opposition to the application. No

1       one speaker will be allowed to speak more than three  
2       minutes. The Commission may ask questions of any  
3       speaker. The time used for speakers to answer  
4       questions will not be subtracted from the 20 minutes  
5       allocated from this portion of the hearing.

6               Because time is limited, we strongly  
7       recommend that speakers be prepared and know the facts  
8       regarding the application. We recommend that you  
9       avoid repetition. If you are part of a large group,  
10      we suggest that you designate a spokesperson to  
11      provide comments for the group. The speaker may  
12      acknowledge that he or she represents a larger group.  
13      This will be the sole public hearing before a public  
14      body regarding the application.

15               The petitioner will then have five minutes  
16      to respond to issues raised during the comment period.  
17      The Commission may further question the petitioner.  
18      Time used to respond to questions from the Commission  
19      will not count against the time allocation.

20               After closure of the comment period, the  
21      Commission will then deliberate on the application.  
22      The Commission may direct additional questions to the  
23      staff or it may proceed directly to considering the  
24      application. Decisions of the Planning and Zoning  
25      Commission will be forwarded to the County Council for

1 final action. Final action by the County Council will  
2 generally take the form of an ordinance approving the  
3 application or a resolution denying the application.  
4 In most instances there will be no further public  
5 hearing before the County Council.

6 I now -- I now call this meeting to order.

7 Madam Secretary, will you please call role?

8 MS. ROESCH: Danny Tuggle.

9 Johnathan Sparks.

10 COMMISSIONER SPARKS: Here.

11 MS. ROESCH: Greg Bowers.

12 Larry Adkins.

13 COMMISSIONER ADKINS: Here.

14 MS. ROESCH: Jeffrey Spraul.

15 COMMISSIONER SPRAUL: Here.

16 MS. ROESCH: Tim Dugan.

17 Jessie Scherrer.

18 COMMISSIONER SCHERRER: Here.

19 MS. ROESCH: Mike Huskey.

20 COMMISSIONER HUSKEY: Here.

21 MS. ROESCH: We have a quorum.

22 COMMISSIONER SCHERRER: Is there a motion  
23 to approve the agenda?

24 COMMISSIONER ADKINS: Motion to approve.

25 COMMISSIONER SPARKS: Second.

1                   COMMISSIONER SCHERRER: Commissioner Adkins  
2    made a motion to approve the agenda. It was seconded  
3    by Commissioner Sparks.

4                   All in favor?

5                   COMMISSION: Aye.

6                   COMMISSIONER SCHERRER: Opposed?

7                   Approval of the agenda passes unanimously.

8                   Approval of the minutes for January 25,  
9    2024.

10                  COMMISSIONER ADKINS: Motion to approve.

11                  COMMISSIONER SPARKS: Second.

12                  COMMISSIONER SCHERRER: Commissioner Adkins  
13    made a motion to approve the minutes from January 25,  
14    2024. It was seconded by Commissioner Sparks.

15                  All in favor?

16                  COMMISSION: Aye.

17                  COMMISSIONER SCHERRER: Opposed?

18                  Approval of the minutes from January 25,  
19    2024, passes unanimously.

20                  Swearing in of the witnesses.

21                  MR. KEHM: Thank you very much.

22                  Sir, I presume you're here for our case  
23    tonight. We're going to swear you in right now and  
24    get you under oath. So, please, go ahead and stand  
25    up, raise your right hand; the secretary over here

1 will swear you in.

2 [Witness sworn by Secretary Roesch.]

3 MR. KEHM: Okay. Thank you very much.

4 You can have a seat. When it's time for  
5 you to come up the Chair will recognize you. Just  
6 head on up here, hand your slip to one of these folks  
7 when you come up and then go over to the podium. Make  
8 sure you state your name, state your address, and then  
9 you can go ahead and begin your remarks to the  
10 Commission.

11 MR. CORDES: Also, state that you've been  
12 sworn, sir, too.

13 COMMISSIONER SCHERRER: Introduction of  
14 evidence.

15 MR. KEHM: Members of the Planning and  
16 Zoning Commission, the county would ask that the  
17 following exhibits be entered into the record for the  
18 one case to be heard by you this evening:

19 Those exhibits are Exhibit A, the Official  
20 Master Plan of Jefferson County, Missouri, adopted on  
21 August 6, 2003, and made effective on April the 2nd,  
22 2008. Exhibit B, the Code of Ordinances of Jefferson  
23 County, specifically Chapter 400 of that code, that  
24 being the Unified Development Order that was adopted  
25 on April 2, 2008, and has been amended numerous times

1 since then. And, finally, the Exhibit C, which is the  
2 staff report and the case file for the one case before  
3 you tonight.

4 COMMISSIONER SCHERRER: Thank you, sir. Is  
5 there a motion to accept the introduction of evidence?

6 COMMISSIONER ADKINS: Motion to accept the  
7 evidence.

8 COMMISSIONER SPARKS: Second.

9 COMMISSIONER SCHERRER: Commissioner Adkins  
10 made a motion to accept the introduction of evidence.  
11 It was seconded by Commissioner Sparks.

12 All in favor?

13 COMMISSION: Aye.

14 COMMISSIONER SCHERRER: Introduction of  
15 evidence passes unanimously.

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1                   COMMISSIONER SCHERRER: Under new business  
2 we have VR23063, a request for a deviation.

3                   Ms. Krispin.

4                   MS. KRISPIN: Thank you.

5                   This is VR23063. The petitioner is  
6 requesting relief from Section 505.170(B)(3) that  
7 requires a 25-foot buffer for a Stream Order 2 for the  
8 construction of a lean-to for a carport.

9                   The subject property is located at 3790  
10 La Somera Drive in Hillsboro. The subject property is  
11 zoned R10. It is roughly 0.29 acres in size. And,  
12 again, a Stream Order 2 traverses the property.

13                   This is a look at the zoning map. The  
14 subject property is outlined in red, zoned R10.

15                   This is a look at the topography map. You  
16 can see where the Stream Order 2 cuts into the  
17 property.

18                   The Department of Public Works Stormwater  
19 Division is responsible for enforcing the Erosion and  
20 Sediment Control and the Stormwater Management Design  
21 Manual and, therefore, provided the analysis. The  
22 Jefferson County engineer recommends that the Planning  
23 and Zoning Commission approve the variance request.

24                   The Jefferson County engineer is  
25 recommending the following conditions to the request:

1                   The first one being a designated and  
2       approved concrete washout area as required by the  
3       Jefferson County Stormwater Code 505.

4                   No trash containers or construction  
5       materials stored in the stream buffer.

6                   Sediment and erosion control measures  
7       installed as required in Jefferson County Stormwater  
8       Code 505.

9                   All vegetation be reestablished after  
10      construction is completed.

11                  And a required Stormwater inspection to  
12      ensure all the requested conditions are being  
13      implemented throughout the project.

14                  So for your consideration: Requested  
15      relief from Section 505.170(B) (3) that requires a  
16      25-foot buffer for a Stream Order 2 for the  
17      construction of a lean-to for a carport.

18                  And I'll be happy to answer any questions.

19                  COMMISSIONER SCHERRER: Thank you.

20                  Are there questions for staff?

21                  COMMISSIONER SPARKS: I have questions for  
22      staff.

23                  Ms. Krispin, on the memo from Mr. Cook from  
24      Stormwater Division, and I keep seeing this kind of  
25      reoccurring, the term "recommended" versus "required."

1       So are these five stipulations something that is  
2       recommended be done before construction?

3               I mean, there's -- there's one that's after  
4       construction but there are five stipulations of -- of,  
5       basically, a washout and, basically, to comply with  
6       the -- this variance. Is that something that's --  
7       that's -- they're just recommending; it's not required  
8       by the petitioner to actually complete before  
9       construction?

10               MS. KRISPIN: So like -- like you pointed  
11       out, Mr. Cook in the Stormwater Division writes these.

12               COMMISSIONER SPARKS: Okay.

13               MS. KRISPIN: But, I mean, he's requesting  
14       these conditions in addition to approval of the  
15       variance so I would assume that he would like to see  
16       all these conditions be met. I don't know the time  
17       frame of these things because that's from the  
18       Stormwater Division.

19               MR. KEHM: I'll just add to that. I mean,  
20       if you read through those, they're -- it's pretty much  
21       self-evident. Right?

22               No trash container or construction  
23       materials, that's during construction.

24               Sediment and erosion control measures  
25       installed is required, that's by the county code so

1 that means prior.

2 All vegetation established after  
3 construction. And then a required Stormwater  
4 inspection to ensure that the conditions are being  
5 implemented throughout the project so the -- that's an  
6 inspection that they will do.

7 And the first one is about the concrete  
8 wash area so that's going to be a pre-construction  
9 thing if they're even pouring concrete out there. I  
10 mean, I'm not sure that that even applies.

11 COMMISSIONER SPARKS: Okay.

12 MR. KEHM: I'm not -- I don't know what the  
13 project is. He can answer that.

14 COMMISSIONER SPARKS: Right.

15 MR. CORDES: And Mr. -- Mr. Sparks, just to  
16 remind you, and I'll go over -- actually, I'll  
17 probably send an email or we'll send some  
18 correspondence to all commissioners on Planning and  
19 Zoning Commission to remind you -- with respect to  
20 these Stormwater Division variances where Stormwater  
21 is doing the analysis and they're not here, right, we  
22 do have a procedure in place that if you do have  
23 questions about specific items that the Stormwater  
24 Division is recommending you can send an email to  
25 Mr. Cook, you can carbon copy Mr. Kehm, Mr. Jonas, and

1 myself on that. We would have some time prior usually  
2 to get that in and then the responses from Stormwater  
3 would be made part of the record during the -- during  
4 the hearing. So we do have a procedure if you have  
5 specific questions for Stormwater Division and a  
6 procedure to make those part of the record later on in  
7 the hearing.

8 COMMISSIONER SPARKS: Thank you, Counsel.

9 MR. CORDES: You're welcome.

10 COMMISSIONER SCHERRER: Other commission --  
11 questions for staff?

12 Is the petitioner present?

13 Please come forward. State your name,  
14 address, and that you have been sworn in. And, as a  
15 reminder, you have ten minutes.

16 MR. DUNIGAN: My name is Frank Dunigan. I  
17 live at 11150 State Route 21, Lot 43, Hillsboro,  
18 Missouri.

19 COMMISSIONER SCHERRER: And you have been  
20 sworn?

21 MR. DUNIGAN: And I have been sworn.

22 COMMISSIONER SCHERRER: Thank you.

23 MR. DUNIGAN: What we request is the  
24 homeowner wants to put a 12-foot lean-to on the side  
25 of his house, all right, you know. And there --

1       number one, we're going to dig four pier holes,  
2       12 inches, 30 inches deep, 18 to the bottom that the  
3       county requires, there is -- we're going to pour them  
4       by hand, you know, cement. There's not going to be  
5       any concrete trucks there. We're not doing any  
6       excavating. Everything's done by hand. The four --  
7       the full wheelbarrow loaded with dirt will be hauled  
8       away and replaced with the concrete.

9               There is -- there's not going to be a --  
10       there's not going to be a Bobcat, there's not going to  
11       be. And the lumber will be -- come as needed because,  
12       you know, we use it up that way. There's not going to  
13       be a dumpster there, you know, 20-yard dumpster or  
14       anything like that. Everything we take off, we'll  
15       take away as -- as we go -- as we do every day.

16               COMMISSIONER SCHERRER: Okay. Is there  
17       anything else you'd like to add?

18               MR. DUNIGAN: No, I just, you know.

19               COMMISSIONER SCHERRER: Okay. Are there  
20       questions?

21               Questions for the petitioner?

22               COMMISSIONER SPARKS: I'm going to refer  
23       back to the -- I guess the five recommended things  
24       that Stormwater -- is there anything on those five  
25       that you feel is not going to be able to be taken in

1 consideration during this construction?

2 MR. DUNIGAN: Well, I mean, the only thing  
3 is we'll tie into the existing gutter on the house  
4 with the gutter off the 24-foot tied together and --  
5 and be going out into the yard.

6 COMMISSIONER SPARKS: Okay.

7 MR. DUNIGAN: You know, I mean, they're  
8 wanting -- like I said, there's -- it's just a small  
9 carport. It's nothing -- there's no additions, no  
10 concrete, no foundations or anything like that, I  
11 mean, it's...

12 COMMISSIONER SPARKS: Okay. Thank you.

13 MR. DUNIGAN: Thank you.

14 COMMISSIONER SCHERRER: Other -- other  
15 questions for the petitioner?

16 All right. Thank you.

17 Citizens wishing to be heard -- wishing to  
18 speak in favor of this application?

19 Anyone wishing to speak that is in favor of  
20 it?

21 Citizens wishing to be heard that are  
22 opposed to this application?

23 Anyone wishing to be heard that is opposed?

24 Does the petitioner have anything else they  
25 would like to add?

1 MR. DUNIGAN: No.

2 COMMISSIONER SCHERRER: All right.

3 Discussion amongst commissioners?

4 Is there a motion to approve or deny?

5 COMMISSIONER SPRAUL: I'll make a motion to  
6 approve the variance request with all the listed  
7 conditions by the Stormwater Division.

8 COMMISSIONER SPARKS: I will second that.

9 COMMISSIONER SCHERRER: Commissioner Spraul  
10 made a motion to approve VR23063. It was seconded by  
11 Commissioner Sparks.

12 All in favor?

13 COMMISSION: Aye.

14 COMMISSIONER SCHERRER: Opposed?

15 VR23063 passes unanimously.

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1                   COMMISSIONER SCHERRER: Reports to the  
2 Commission.

3                   MR. KEHM: Very briefly. First, thank you  
4 all for coming out tonight for this very lengthy  
5 meeting. Our next meet meeting is February the 22nd.  
6 We will have a much longer agenda, correct?

7                   MS. ROESCH: Yes.

8                   MR. KEHM: At that one so it won't be  
9 fifteen minutes like tonight. But, again, thank you  
10 all. That's all I've got for you.

11                  COMMISSIONER SCHERRER: I have a question  
12 and I don't know who to direct it at so I'm just going  
13 to ask it and I'm going to ask this question and start  
14 with a statement.

15                  There was a point in time where we did not  
16 have anyone in the Stormwater Division and then I  
17 believe we hired an outside firm H -- HR Green or  
18 something, whoever it was.

19                  MR. CORDES: HR Green.

20                  COMMISSIONER SCHERRER: Yeah. And now we  
21 have a Stormwater Division.

22                  Question 1: Why are we still hearing these  
23 Stormwater things?

24                  And Question 2: How do we make them go  
25 away?

1                   MR. CORDES: Well, they're -- you've asked  
2 a somewhat complicated question because --

3                   COMMISSIONER SCHERRER: You're welcome.

4                   MR. CORDES: -- there's some things that  
5 are in -- in motion.

6                   COMMISSIONER SCHERRER: Okay.

7                   MR. CORDES: Now, if -- if the other things  
8 weren't in motion, right, my first answer -- my -- my  
9 answer to you would be talk to the administration  
10 about the Department of Public Works and the  
11 Stormwater Division, that would be my answer to you,  
12 right. But, as I said, there are some things in  
13 motion so they make this more complicated as in the  
14 county is looking at some changes to Chapter 505 which  
15 may solve some of this. That -- that's the best  
16 answer I can give you at this point.

17                  COMMISSIONER SCHERRER: I will ask you  
18 again in six months or a year.

19                  MR. CORDES: You may not need to wait that  
20 long.

21                  COMMISSIONER SCHERRER: Okay. Hopefully.

22                  That's all I have.

23                  No, that's not all I have. Hang on.

24                  Citizens to be heard?

25                  Citizens wishing to be heard?

1                   Is there a motion to adjourn?  
2                   COMMISSIONER ADKINS: Motion to adjourn.  
3                   COMMISSIONER SPARKS: Second.  
4                   COMMISSIONER SCHERRER: Commissioner Adkins  
5                   made a motion to adjourn. Commissioner Sparks  
6                   seconded.

7                   All in favor?

8                   COMMISSION: Aye.

9                   [Adjourned 6:47 p.m.]

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# 1 C E R T I F I C A T E

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3 I, JENNIFER M. JETT, a Certified Court  
4 Reporter, in and for the State of Missouri, do hereby  
5 certify that I was present at the time and place  
6 hereinbefore set forth; that said proceedings were had  
7 as appears herein; and that this is a true and  
8 accurate record of said proceedings.

9

10 IN TESTIMONY WHEREOF, I have hereunto  
11 subscribed my name on this 12th of February, 2024.

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Jennifer M. Jett

JENNIFER M. JETT, CCR  
MISSOURI CCR NUMBER: 634

February 8, 2024,  
Jefferson County Planning and Zoning Meeting

<b>A</b>	<b>allow</b> 4:9 <b>allowed</b> 6:3 7:1 <b>amended</b> 10:25 <b>analysis</b> 12:21 15:21 <b>answer</b> 6:17 7:3 13:18 15:13 21:8 21:9,11,16 <b>appears</b> 23:7 <b>application</b> 4:18,25 5:6,18,20 5:23 6:4,6 6:8,13,15 6:23,25 7:8,14,21 7:24 8:3,3 18:18,22 <b>applicat...</b> 4:14,16 <b>applies</b> 15:10 <b>approval</b> 9:7 9:8,18 14:14 <b>approve</b> 8:23 8:24 9:2 9:10,13 12:23 19:4 19:6,10 <b>approved</b> 13:2 <b>approving</b> 8:2 <b>April</b> 10:21 10:25 <b>area</b> 13:2 15:8 <b>asked</b> 21:1 <b>asks</b> 4:24 <b>assist</b> 4:13 <b>assume</b> 14:15 <b>attacks</b> 5:14 <b>attendance</b> 4:24 <b>audience</b> 5:8	5:13 <b>August</b> 10:21 11:13 19:13 22:8 <b>B</b> <b>B</b> 2:1,5 10:22 <b>back</b> 17:23 <b>Bair</b> 3:22 <b>basically</b> 14:5,5 <b>believe</b> 20:17 <b>best</b> 21:15 <b>Bobcat</b> 17:10 <b>body</b> 7:14 <b>bottom</b> 17:2 <b>Bowers</b> 8:11 <b>brief</b> 5:19 <b>briefly</b> 20:3 <b>buffer</b> 12:7 13:5,16 <b>business</b> 12:1 <b>coming</b> 20:4 <b>comment</b> 5:1 6:15,25 7:16,20 <b>comments</b> 4:12 5:2,7 7:11 <b>commission</b> 1:2 3:1,7 4:9,11,13 <b>call</b> 5:22,22 6:1 8:6,7 <b>approved</b> 13:2 <b>approving</b> 8:2 <b>April</b> 10:21 10:25 <b>area</b> 13:2 15:8 <b>asked</b> 21:1 <b>asks</b> 4:24 <b>assist</b> 4:13 <b>assume</b> 14:15 <b>attacks</b> 5:14 <b>attendance</b> 4:24 <b>audience</b> 5:8	8:13,15,18 8:20,22,24 8:25 9:1,1 9:3,6,10 9:11,12,12 9:14,17 10:13 11:4 11:6,8,9,9 11:11,14 12:1 13:19 13:21 14:12 15:11,14 16:8,10,19 16:22 17:16,19 17:22 18:6 18:12,14 19:2,5,8,9 19:9,11,14 20:1,11,20 21:3,6,17 21:21 22:2 22:3,4,4,5 <b>commissi...</b> 15:18 19:3 <b>complete</b> 4:18 14:8 <b>completed</b> 13:10 <b>completion</b> 6:5 <b>complicated</b> 21:2,13 <b>comply</b> 14:5 <b>concrete</b> 13:2 15:7 15:9 17:5 17:8 18:10 <b>conditions</b> 12:25 13:12 14:14,16 15:4 19:7 <b>consider...</b> 13:14 18:1 <b>considering</b> 7:23 <b>construc...</b> 12:8 13:4
----------	---	---	---

13:10,17	<b>Danny</b> 8:8	20:16,21	2:5,7	18:10
14:2,4,9	<b>day</b> 3:2	21:11	10:19,22	<b>four</b> 17:1,6
14:22,23	17:15	<b>doing</b> 15:21	11:1	<b>frame</b> 14:17
15:3 18:1	<b>decision</b>	17:5	<b>exhibits</b> 2:3	<b>Frank</b> 16:16
<b>consultants</b>	4:14 5:6	<b>Drive</b> 12:10	2:12 10:17	<b>full</b> 17:7
6:2	<b>Decisions</b>	<b>Dugan</b> 8:16	10:19	<b>further</b> 7:17
<b>container</b>	7:24	<b>dumpster</b>	<b>existing</b>	8:4
14:22	<b>deep</b> 17:2	17:13,13	18:3	<b>G</b>
<b>containers</b>	<b>deliberate</b>	<b>Dunigan</b>	<b>F</b>	<b>generally</b>
13:4	7:21	16:16,16	<b>F</b> 23:1	6:2 8:2
<b>control</b>	<b>Dennis</b> 3:13	16:21,23	<b>facts</b> 6:4	<b>gentlemen</b>
12:20 13:6	<b>deny</b> 19:4	17:18 18:2	7:7	4:7
14:24	<b>denying</b> 8:3	18:7,13	<b>favor</b> 6:13	<b>give</b> 21:16
<b>Cook</b> 13:23	<b>Department</b>	19:1	6:15 9:4	<b>go</b> 9:24 10:7
14:11	12:18	<b>E</b>	9:15 11:12	10:9 15:16
15:25	21:10	<b>E</b> 2:1 3:6,6	18:18,19	17:15
<b>copy</b> 15:25	<b>Description</b>	23:1,1	19:12 22:7	20:24
<b>Cordes</b> 3:18	2:3	<b>effective</b>	<b>February</b> 1:9	<b>going</b> 9:23
10:11	<b>Design</b> 12:20	10:21	3:1 20:5	15:8 17:1
15:15 16:9	<b>designate</b>	<b>Elaine</b> 3:15	23:11,22	17:3,4,9
20:19 21:1	7:10	<b>email</b> 15:17	<b>feel</b> 17:25	17:10,10
21:4,7,19	<b>designated</b>	15:24	<b>fifteen</b> 20:9	17:12,22
<b>correct</b> 20:6	13:1	<b>enforcing</b>	<b>file</b> 2:8	17:25 18:5
<b>correspo...</b>	<b>designed</b> 4:9	12:19	11:2	20:12,13
15:18	<b>Development</b>	<b>engineer</b>	<b>final</b> 8:1,1	<b>Green</b> 20:19
<b>council</b> 4:11	2:6 10:24	12:22,24	<b>finally</b> 11:1	<b>Greg</b> 8:11
4:15 7:25	<b>deviation</b>	<b>ensure</b> 13:12	<b>firm</b> 20:17	20:17
8:1,5	12:2	15:4	<b>first</b> 13:1	<b>group</b> 7:9,11
<b>Counsel</b> 2:12	<b>dig</b> 17:1	<b>entered</b>	15:7 20:3	7:12
16:8	<b>direct</b> 5:7	10:17	21:8	<b>guess</b> 17:23
<b>COUNSELOR</b>	5:17 7:22	<b>erosion</b>	<b>five</b> 6:14,18	<b>gutter</b> 18:3
3:17	20:12	12:19 13:6	7:15 14:1	18:4
<b>count</b> 7:19	<b>directed</b>	14:24	14:4 17:23	<b>H</b>
<b>county</b> 1:1	5:14	<b>established</b>	17:24	<b>H</b> 2:1 20:17
2:4,5 3:1	<b>directly</b>	15:2	<b>folks</b> 10:6	<b>hand</b> 9:25
3:3,17,21	7:23	<b>evening</b> 3:2	<b>following</b>	10:6 17:4
4:11 5:14	<b>DIRECTOR</b>	3:2 10:18	10:17	17:6
7:25 8:1,5	3:21	<b>evening's</b>	12:25	<b>Hang</b> 21:23
10:16,20	<b>dirt</b> 17:7	4:7	<b>follows</b> 5:15	<b>happy</b> 13:18
10:23	<b>Discussion</b>	<b>Everythi...</b>	4:23 8:2	<b>hauled</b> 17:7
12:22,24	19:3	17:6	<b>forms</b> 4:19	<b>head</b> 10:6
13:3,7	<b>disruptions</b>	<b>evidence</b>	4:12 10:14	<b>heard</b> 6:11
14:25 17:3	5:12	11:5,7,10	11:5,7,10	6:21 10:18
21:14	<b>Division</b> 2:7	11:15	<b>forward</b> 5:1	18:17,21
23:23	3:12 5:18	<b>excavating</b>	6:13,23	18:23
<b>Court</b> 4:3	12:19	17:6	16:13	21:24,25
23:3	13:24	<b>excuse</b> 5:8	<b>forwarded</b>	<b>hearing</b> 1:3
<b>cuts</b> 12:16	14:11,18	7:25	7:25	3:1 4:8,9
	15:20,24	<b>Exhibit</b> 2:4	<b>foundations</b>	
	16:5 19:7			
	<b>D</b>			

6:19 7:5	4:10	14:16	map 12:13, 15	name 4:23
7:13 8:5	<b>introduce</b>	15:12	<b>Maple</b> 3:3	5:2, 17
16:4, 7	5:16	16:25 17:4	<b>Master</b> 2:4	10:8 16:13
20:22	<b>introduc...</b>	17:12, 13	10:20	16:16
<b>hereinbe...</b>	10:13 11:5	17:18 18:7	<b>materials</b>	23:11
23:6	11:10, 14	20:12	13:5 14:23	<b>need</b> 21:19
<b>hereunto</b>	<b>issues</b> 7:16	<b>Krispin</b> 3:14	<b>mean</b> 14:3, 13	<b>needed</b> 17:11
23:10	<b>item</b> 4:21	12:3, 4	14:19	<b>new</b> 12:1
<b>Hillsboro</b>	<b>items</b> 15:23	13:23	15:10 18:2	<b>number</b> 1:18
3:3 12:10		14:10, 13	18:7, 11	4:21 5:17
16:17	<b>J</b>		<b>means</b> 15:1	17:1 23:15
<b>hired</b> 20:17	<b>J</b> 3:13		<b>measures</b>	<b>numerous</b>
<b>holes</b> 17:1	<b>January</b> 9:8	<b>L</b>	13:6 14:24	10:25
<b>homeowner</b>	9:13, 18	<b>La</b> 12:10	<b>meet</b> 20:5	<b>O</b>
16:24	<b>Jason</b> 3:18	<b>Ladies</b> 4:6	<b>meeting</b> 1:3	<b>oath</b> 4:19
<b>Hopefully</b>	<b>Jefferson</b>	<b>large</b> 7:9	3:1 4:2	9:24
21:21	1:1 2:4, 5	<b>larger</b> 7:12	5:15 8:6	<b>Official</b> 2:4
<b>hours</b> 3:2	3:1, 2	<b>Larry</b> 3:9	20:5, 5	10:19
<b>house</b> 16:25	10:20, 22	<b>lean-to</b> 12:8	23:23	<b>Okay</b> 10:3
18:3	12:22, 24	13:17	<b>members</b> 5:5	14:12
<b>HR</b> 20:17, 19	13:3, 7	16:24	5:10 6:6	15:11
<b>Huskey</b> 3:10	23:23	<b>lengthy</b> 20:4	10:15	<b>mem</b> 13:23
8:19, 20	<b>Jeffrey</b> 3:10	<b>limit</b> 6:8	17:16, 19	17:16, 19
	8:14	<b>limited</b> 7:6	<b>met</b> 14:16	18:6, 12
<b>I</b>	<b>Jennifer</b>	<b>listed</b> 19:6	<b>Mike</b> 3:10	21:6, 21
<b>Identified</b>	1:18 3:3	<b>live</b> 16:17	8:19	<b>opposed</b> 6:22
2:3	4:3 23:3	<b>loaded</b> 17:7	<b>minutes</b> 5:24	9:6, 17
<b>impact</b> 5:9	23:14	<b>located</b> 4:19	6:14, 18, 24	18:22, 23
<b>implemented</b>	<b>Jessie</b> 3:8	12:9	7:2, 4, 15	19:14
13:13 15:5	8:17	<b>long</b> 21:20	9:8, 13, 18	<b>opposition</b>
<b>important</b>	<b>Jett</b> 1:18	<b>longer</b> 20:6	16:15 20:9	6:25
4:20 5:4	3:3 4:3	<b>look</b> 12:13	<b>Missouri</b> 1:1	<b>order</b> 2:6
<b>inches</b> 17:2	23:3, 14	12:15	1:18 2:4	8:6 10:24
17:2	<b>Johnathan</b>	<b>looking</b>	3:3 10:20	12:7, 12, 16
<b>individual</b>	3:9 8:9	21:14	16:18 23:4	13:16
4:17	<b>Jonas</b> 15:25	<b>Lot</b> 16:17	23:15	<b>ordinance</b>
<b>individuals</b>	<b>Josh</b> 3:14	<b>lumber</b> 17:11	<b>Mitchell</b>	8:2
6:2	<b>Jr</b> 3:13		3:22	<b>Ordinances</b>
<b>information</b>	<b>Jump</b> 3:14	<b>M</b>	<b>MO-CCR</b> 3:4	2:6 10:22
4:12		<b>M</b> 1:18 3:3	<b>months</b> 21:18	<b>outbursts</b>
<b>informed</b>	<b>K</b>	4:3 23:3	<b>motion</b> 8:22	5:12
4:13	<b>keep</b> 13:24	23:14	8:24 9:2	<b>outlined</b>
<b>inspection</b>	<b>Kehm</b> 3:13	<b>Madam</b> 8:7	9:10, 13	12:14
13:11 15:4	9:21 10:3	<b>maintained</b>	11:5, 6, 10	<b>outside</b>
15:6	10:15	4:22	19:4, 5, 10	20:17
<b>installed</b>	14:19	<b>making</b> 4:13	21:5, 8, 13	<b>overview</b>
13:7 14:25	15:12, 25	4:15	22:1, 2, 5	5:20
<b>instances</b>	20:3, 8	<b>Management</b>		<b>P</b>
8:4	<b>kind</b> 13:24	12:20	<b>N</b>	
<b>interested</b>	<b>know</b> 7:7	<b>Manual</b> 12:21	<b>N</b> 3:6	<b>P</b> 3:6, 6

<b>p.m</b> 1:10 22:9	<b>present</b> 5:18 5:19 16:12 23:5	17:20,21 18:15	7:9	21:8,12
<b>Page</b> 2:4,5,7	<b>presenta...</b> 6:4,5	<b>quorum</b> 8:21	<b>replaced</b> 17:8	<b>Roesch</b> 3:15 8:8,11,14
<b>part</b> 7:9 16:3,6	<b>presume</b> 9:22	<b>R</b>	<b>report</b> 2:8 11:2	8:16,19,21 10:2 20:7
<b>parties</b> 4:2 4:10	<b>pretty</b> 14:20	<b>R3</b> 6 23:1	<b>Reporter</b> 4:4 23:4	<b>role</b> 8:7
<b>party</b> 5:23	<b>print</b> 4:22	<b>R10</b> 12:11,14	<b>Reports</b> 20:1	<b>room</b> 4:20
<b>passes</b> 9:7 9:19 11:15 19:15	<b>prior</b> 15:1 16:1	<b>Rachel</b> 3:14	<b>represent</b> 4:7	<b>roughly</b> 12:11
<b>period</b> 6:3 7:16,20	<b>probably</b> 15:17	<b>raise</b> 9:25	<b>represen...</b> 5:19	<b>Route</b> 16:17
<b>personal</b> 5:13	<b>procedure</b> 15:22 16:4 16:6	<b>raised</b> 7:16	<b>represents</b> 7:12	<b>S</b>
<b>petitioner</b> 5:22,24 6:1,7 7:15 7:17 12:5 14:8 16:12 17:21 18:15,24	<b>proceed</b> 7:23	<b>read</b> 14:20	<b>request</b> 12:2 12:23,25	<b>S2</b> 1 3:6
<b>pier</b> 17:1	<b>proceedings</b> 23:6,8	<b>rear</b> 4:19	16:23 19:6	<b>Scherrer</b> 3:8
<b>place</b> 4:20 15:22 23:5	<b>project</b> 5:16 5:21 13:13 15:5,13	<b>recognize</b> 10:5	<b>recommended</b> 7:7,8	4:6 8:17
<b>Plan</b> 2:4 10:20	<b>property</b>	<b>recommend</b> 13:25 14:2	<b>recommen...</b> 4:15	8:18,22
<b>Planning</b> 1:2 2:7 3:1,7 3:12 4:8 5:3,5,10 5:18 7:24 10:15 12:22 15:18 23:23	12:21	17:23	<b>recommended</b> 13:12,14	9:1,6,12
<b>please</b> 8:7 9:24 16:13	<b>public</b> 1:3 3:1 4:8,9 6:14,25 7:13,13 8:4 12:18 21:10	<b>recommen...</b> 12:25 14:7 15:24	<b>requesting</b> 12:6 14:13	9:17 10:13
<b>podium</b> 10:7	<b>put</b> 16:24	<b>record</b> 4:21 10:17 16:3 16:6 23:8	<b>required</b> 12:22	11:4,9,14
<b>point</b> 20:15 21:16	<b>Q</b>	<b>record</b> 4:21 10:17 16:3 16:6 23:8	<b>requesting</b> 12:6 14:13	12:1 13:19
<b>pointed</b> 14:10	<b>question</b> 5:11,21	<b>red</b> 12:14	<b>required</b> 12:25 14:7	16:10,19
<b>portion</b> 6:18 7:5	7:17 20:11	<b>reduce</b> 5:9	<b>requires</b> 12:7 13:15	16:22
<b>pour</b> 17:3	20:13,22	<b>reestabl...</b> 13:9	<b>resolution</b> 8:3	17:16,19
<b>pouring</b> 15:9	20:24 21:2	<b>refer</b> 17:22	<b>respect</b> 15:19	18:14 19:2
<b>pre-cons...</b> 15:8	<b>questions</b>	<b>regarding</b> 7:8,14	<b>Respective</b> 2:8	19:9,14
<b>prepared</b> 7:7	6:7,8,10 6:16,17,20	<b>relative</b> 4:14 5:21 6:7	<b>respond</b> 5:7 7:16,18	20:1,11,20
	7:2,4,18	<b>relief</b> 12:6 13:15	<b>Responding</b> 5:8	21:3,6,17
	7:22 13:18	<b>remarks</b> 10:9	<b>responses</b> 16:2	<b>seat</b> 10:4
	13:20,21	<b>remember</b> 5:4	<b>responsible</b> 12:19	<b>second</b> 8:25
	15:23 16:5	<b>remind</b> 15:16 15:19	<b>retained</b> 2:12	9:11 11:8
	16:11	<b>reminder</b> 16:15	<b>right</b> 9:23 9:25 14:21	19:8 22:3
		<b>reoccurring</b> 13:25	<b>repetition</b> 15:14,21 16:25	<b>seconded</b> 9:2
			18:16 19:2	9:14 11:11
				19:10 22:6
				<b>secretary</b> 8:7 9:25
				10:2
				<b>Section</b> 12:6 13:15
				<b>Sediment</b> 12:20 13:6 14:24
				<b>see</b> 12:16 14:15
				<b>seeing</b> 13:24
				<b>self-evi...</b> 14:21
				<b>send</b> 15:17 15:17,24

<b>SERVICES</b> 3:21 <b>set</b> 23:6 <b>shorthand</b> 4:3 <b>side</b> 16:24 <b>sign</b> 4:23 <b>sir</b> 9:22 10:12 11:4 <b>six</b> 21:18 <b>size</b> 12:11 <b>slip</b> 10:6 <b>small</b> 18:8 <b>sole</b> 7:13 <b>solve</b> 21:15 <b>Somera</b> 12:10 <b>somewhat</b> 21:2 <b>sorry</b> 5:25 <b>Sparks</b> 3:9 8:9,10,25 9:3,11,14 11:8,11 13:21 14:12 15:11,14 15:15 16:8 17:22 18:6 18:12 19:8 19:11 22:3 22:5 <b>speak</b> 4:25 7:1 18:18 18:19 <b>speaker</b> 5:11 6:16 7:1,3 7:11 <b>speakers</b> 4:20 6:17 7:3,7 <b>specific</b> 4:18,25 15:23 16:5 <b>specific...</b> 10:23 <b>spokespe...</b> 7:10 <b>Spraul</b> 3:10 8:14,15 19:5,9	<b>staff</b> 2:8 3:12 5:14 5:17,19,21 7:23 11:2 13:20,22 16:11 <b>stand</b> 9:24 <b>start</b> 20:13 <b>state</b> 10:8,8 10:11 16:13,17 23:4 <b>statement</b> 5:9 20:14 <b>STIPULATED</b> 4:1 <b>stipulat...</b> 14:1,4 <b>stored</b> 13:5 <b>Stormwater</b> 12:18,20 13:3,7,11 13:24 14:11,18 15:3,20,20 15:23 16:2 16:5 17:24 19:7 20:16 20:21,23 21:11 <b>stream</b> 12:7 12:12,16 13:5,16 <b>Street</b> 3:3 <b>strongly</b> 7:6 <b>structure</b> 5:15 <b>subject</b> 12:9 12:10,14 <b>submitted</b> 5:23 <b>subscribed</b> 23:11 <b>subtracted</b> 6:17 7:4 <b>suggest</b> 7:10 <b>supporting</b> 6:2 <b>sure</b> 10:8 15:10	<b>surrounding</b> 6:4 <b>swear</b> 9:23 10:1 <b>Swearing</b> 9:20 <b>sworn</b> 10:2 10:12 16:14,20 16:21 <hr/> <b>T</b> <b>T</b> 2:1 23:1,1 <b>take</b> 8:2 17:14,15 <b>taken</b> 4:2 17:25 <b>talk</b> 21:9 <b>ten</b> 5:24 16:15 <b>ten-minute</b> 6:3 <b>term</b> 13:25 <b>testimony</b> 4:12 23:10 <b>thank</b> 9:21 10:3 11:4 12:4 13:19 16:8,22 18:12,13 18:16 20:3 20:9 <b>thing</b> 15:9 18:2 <b>things</b> 14:17 17:23 20:23 21:4 21:7,12 <b>three</b> 7:1 <b>tie</b> 18:3 <b>tied</b> 18:4 <b>Tim</b> 8:16 <b>time</b> 5:9 6:8 6:16 7:3,6 7:18,19 <b>suggest</b> 7:10 <b>supporting</b> 6:2 <b>sure</b> 10:8 15:10	5:12,13 <b>tonight</b> 9:23 11:3 20:4 20:9 <b>topography</b> 12:15 <b>total</b> 6:14 6:24 <b>transcribed</b> 4:4 <b>trash</b> 13:4 14:22 <b>traverses</b> 12:12 <b>trucks</b> 17:5 <b>true</b> 23:7 <b>Tuggle</b> 8:8 <b>typewriting</b> 4:4 <hr/> <b>U</b> <b>ultimately</b> 4:11 <b>unanimously</b> 9:7,19 <b>thank</b> 9:21 10:3 11:4 12:4 13:19 16:8,22 18:12,13 18:16 20:3 20:9 <b>thing</b> 15:9 18:2 <b>things</b> 14:17 17:23 20:23 21:4 21:7,12 <b>three</b> 7:1 <b>tie</b> 18:3 <b>tied</b> 18:4 <b>Tim</b> 8:16 <b>time</b> 5:9 6:8 6:16 7:3,6 7:18,19 <b>suggest</b> 7:10 <b>supporting</b> 6:2 <b>sure</b> 10:8 15:10	<b>wanting</b> 18:8 <b>wants</b> 16:24 <b>wash</b> 15:8 <b>washout</b> 13:2 14:5 <b>wastes</b> 5:8 <b>way</b> 17:12 <b>we'll</b> 15:17 17:14 18:3 <b>we're</b> 9:23 17:1,3,5 <b>welcome</b> 16:9 21:3 <b>weren't</b> 21:8 <b>wheelbarrow</b> 17:7 <b>WHEREOF</b> 23:10 <b>wishing</b> 4:17 4:24,25 6:12,22 18:17,17 18:19,21 18:23 21:25 <b>Witness</b> 10:2 <b>witnesses</b> 9:20 <b>Works</b> 12:18 21:10 <b>writes</b> 14:11 <hr/> <b>X</b> <b>x</b> 2:1 <hr/> <b>Y</b> <b>yard</b> 18:5 <b>Yeah</b> 20:20 <b>year</b> 21:18 <hr/> <b>Z</b> <b>zoned</b> 12:11 12:14 <b>zoning</b> 1:2 3:1,7 4:8 5:3,5,10 7:24 10:16 12:13,23 15:19 23:23
---	--	---	--	--

<b>0</b>	<b>6</b>		
<b>0.29</b> 12:11	<b>6</b> 10:21		
<b>1</b>	<b>6:30</b> 1:10		
<b>1</b> 20:22	3:2		
<b>10</b> 2:4, 5	<b>6:47</b> 3:2		
<b>11</b> 2:7	22:9		
<b>11150</b> 16:17	<b>63050</b> 3:3		
<b>12</b> 17:2	<b>634</b> 1:18		
<b>12-foot</b>	23:15		
16:24			
<b>12th</b> 23:11	<b>7</b>		
<b>18</b> 17:2	<b>729</b> 3:3		
<b>2</b>	<b>8</b>		
<b>2</b> 10:25 12:7	<b>8</b> 1:9 3:1		
12:12, 16	23:22		
13:16			
20:24	<b>9</b>		
<b>20</b> 6:24 7:4			
<b>20-yard</b>			
17:13			
<b>2003</b> 10:21			
<b>2008</b> 10:22			
10:25			
<b>2024</b> 1:9 3:2			
9:9, 14, 19			
23:11, 22			
<b>21</b> 16:17			
<b>22nd</b> 20:5			
<b>24-foot</b> 18:4			
<b>25</b> 9:8, 13, 18			
<b>25-foot</b> 12:7			
13:16			
<b>2nd</b> 10:21			
<b>3</b>			
<b>30</b> 17:2			
<b>3790</b> 12:9			
<b>4</b>			
<b>400</b> 2:6			
10:23			
<b>43</b> 16:17			
<b>5</b>			
<b>505</b> 13:3, 8			
21:14			
<b>505.170</b> (...			
12:6 13:15			