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Planning & Zoning Meeting
March 28, 2024

Jefferson County, Missouri

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

March 28, 2024

6:30 P.M.

Jennifer M. Jett, CCR
MISSOURI CCR NUMBER: 634

<p style="text-align: right;">Page 6</p> <p>1 presentation of facts surrounding the application. 2 After complete -- completion of the presentation of 3 the application, the members of the Commission may ask 4 questions of the petitioner relative to the 5 application. There is no time limit for questions 6 from the Commission. 7 After all questions from the Commission 8 have been heard, the chairman will ask for any 9 citizens wishing to address the Commission who are in 10 favor of this application to come forward. There will 11 be a total of five minutes allocated for public 12 comment in favor of this application. The Commission 13 may ask questions of any speaker. The time used for 14 speakers to answer questions will not be subtracted 15 from the five minutes allocated for this portion of 16 the hearing. 17 After all questions from the Commission 18 have been heard, the chairman will ask for any 19 citizens wishing to address the Commission who are 20 opposed to this application to come forward. There 21 will be a total of 20 minutes allocated for public 22 comment in opposition to the application. No one 23 speaker will be allowed to speak for more than three 24 minutes. The Commission may ask questions of any 25 speaker. The time used for speakers to answer</p>	<p style="text-align: right;">Page 8</p> <p>1 In most instances there will be no further public 2 hearing before the County Council. 3 Madam Secretary, I now call this meeting to 4 order. Would you please call roll? 5 MS. ROESCH: Danny Tuggle. 6 COMMISSIONER TUGGLE: Here. 7 MS. ROESCH: Greg Bowers. 8 COMMISSIONER BOWERS: Here. 9 MS. ROESCH: Johnathan Sparks. 10 COMMISSIONER SPARKS: Here. 11 MS. ROESCH: Larry Adkins. 12 COMMISSIONER ADKINS: Here. 13 MS. ROESCH: Jeffrey Spraul. 14 Tim Dugan. 15 Jessie Scherrer. 16 COMMISSIONER SCHERRER: Here. 17 MS. ROESCH: Mike Huskey. 18 COMMISSIONER HUSKEY: Here. 19 MS. ROESCH: We have a quorum. 20 COMMISSIONER SCHERRER: Is there a motion 21 to approve the agenda? 22 COMMISSIONER BOWERS: Make a motion to 23 approve the agenda. 24 COMMISSIONER TUGGLE: Second. 25 COMMISSIONER SCHERRER: Commissioner Bowers</p>
<p style="text-align: right;">Page 7</p> <p>1 questions will not be subtracted from the 20 minutes 2 allocated for this portion of the hearing. 3 Because time is limited, we strongly 4 recommend that speakers be prepared and know the facts 5 regarding the application. We recommend that you 6 avoid repetition. If you are part of a larger group, 7 we suggest that you designate a spokesperson to 8 provide comments for the group. The speaker may 9 acknowledge that he or she represents a larger group. 10 This will be the sole public hearing before a public 11 body regarding the application. 12 The petitioner will then have five minutes 13 to respond to issues raised during the comment period. 14 The Commission may further question the petitioner. 15 Time used to respond to questions from the Commission 16 will not count against the time allocation. 17 After closure of the comment period, the 18 Commission will then deliberate on the application. 19 The Commission may direct additional questions to 20 staff or it may proceed directly to considering the 21 application. Decisions of the Planning and Zoning 22 Commission will be forwarded to the County Council for 23 final action. Final action by the County Council will 24 generally take the form of an ordinance approving the 25 application or a resolution denying the application.</p>	<p style="text-align: right;">Page 9</p> <p>1 made a motion to approve the agenda; it was seconded 2 by Commissioner Tuggle. 3 All in favor say aye. 4 COMMISSION: Aye. 5 COMMISSIONER SCHERRER: Opposed? 6 Approval of the agenda passes unanimously. 7 Approval of the minutes for March 14, 2024. 8 COMMISSIONER BOWERS: Make a motion to 9 approve the minutes. 10 COMMISSIONER ADKINS: Second. 11 COMMISSIONER SCHERRER: Commissioner Bowers 12 made a motion to approve the minutes from March 14, 13 2024; it was seconded by Commissioner Adkins. 14 All in favor say aye. 15 COMMISSION: Aye. 16 COMMISSIONER SCHERRER: Opposed? 17 Approval of the minutes from March 14, 18 2024, passes unanimously. 19 Swearing in of witnesses. 20 MR. KEHM: Thank you, Mr. Chair. 21 Again, everyone, good evening and thank you 22 for attending the Planning and Zoning Commission 23 tonight. 24 As I said earlier, if you're going to be 25 speaking on either of the two cases tonight, your</p>

3 (Pages 6 to 9)

<p style="text-align: right;">Page 10</p> <p>1 testimony is going to be -- is going to need to be</p> <p>2 sworn testimony. So rather than do that individually,</p> <p>3 we do it all at once here at the beginning of the</p> <p>4 meeting. So if you're going to be talking tonight,</p> <p>5 please do go ahead and stand up right now, raise your</p> <p>6 right hand, and the commission secretary over here</p> <p>7 will swear you in.</p> <p>8 [Witnesses sworn by Secretary Roesch.]</p> <p>9 MR. KEHM: Thank you very much.</p> <p>10 Please have a seat. Again, remember to</p> <p>11 grab, if you haven't already done so, one of those</p> <p>12 speaker slips and have that ready when you do come up.</p> <p>13 When you hit that podium, make sure you say your name,</p> <p>14 state your address, and then state for the record that</p> <p>15 you have been sworn in. Thank you.</p> <p>16 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>17 Introduction of evidence.</p> <p>18 MR. KEHM: Members of the Jefferson County</p> <p>19 Planning and Zoning Commission, the county would ask</p> <p>20 that the following exhibits be entered into the record</p> <p>21 for the two cases to be heard by you this evening.</p> <p>22 Those exhibits are the Official Master Plan for</p> <p>23 Jefferson County, Missouri, which was adopted on</p> <p>24 August the 6th of 2003 and was made effective on April</p> <p>25 the 2nd, 2008. Exhibit B, the Code of Ordinances of</p>	<p style="text-align: right;">Page 12</p> <p>1 COMMISSIONER SCHERRER: New business:</p> <p>2 Consideration PC24009. Mr. Jump.</p> <p>3 MR. JUMP: Thank you.</p> <p>4 This is Case No. PC24009. The petitioner's</p> <p>5 request is a revised development plan approval for the</p> <p>6 parcel number listed.</p> <p>7 Little bit about the subject property:</p> <p>8 It's located at 1740 Old Highway 141. Is it currently</p> <p>9 zoned planned commercial. It's in Council District 2.</p> <p>10 It is in the primary growth area, a suburban</p> <p>11 development pattern applies here, and it's 3.86 acres</p> <p>12 in size.</p> <p>13 As mentioned before, it's at 1740 Old</p> <p>14 Highway 141. It was rezoned planned commercial and a</p> <p>15 development plan was approved in 2001 (sic), PC21097</p> <p>16 was the case number for that to take a vacant</p> <p>17 single-family house as well as the vacant home pad</p> <p>18 sites and reperson -- repurpose them into a commercial</p> <p>19 site. Petitioner would like to utilize the subject</p> <p>20 property as an office and construction contractor with</p> <p>21 machinery, equipment, and storage, and add an</p> <p>22 additional building which is why it's back before you</p> <p>23 this evening.</p> <p>24 According to the flood rate maps there is a</p> <p>25 significant water issue with this property. Portions</p>
<p style="text-align: right;">Page 11</p> <p>1 Jefferson County, specifically, Chapter 400, the</p> <p>2 Unified Development Order, that was also adopted on</p> <p>3 April the 2nd, 2008, and has been amended numerous</p> <p>4 times since then. And, finally, Exhibit C, said</p> <p>5 exhibit consisting of the staff reports and the</p> <p>6 respective case files for the two cases to be heard by</p> <p>7 you this Thursday, March the 28th of 2024.</p> <p>8 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>9 Is there a motion to accept the</p> <p>10 introduction of evidence?</p> <p>11 COMMISSIONER BOWERS: So moved.</p> <p>12 COMMISSIONER ADKINS: Second.</p> <p>13 COMMISSIONER SCHERRER: Commissioner Bowers</p> <p>14 made a motion to approve the introduction of evidence;</p> <p>15 it was seconded by Commissioner Adkins.</p> <p>16 All in favor?</p> <p>17 COMMISSION: Aye.</p> <p>18 COMMISSIONER SCHERRER: Opposed?</p> <p>19 Introduction of evidence is accepted</p> <p>20 unanimously.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 13</p> <p>1 of it are in the floodway; large portions of it are in</p> <p>2 the floodplain; and a Stream Order 3 traverses the</p> <p>3 rear of the property and you'll see that on the</p> <p>4 upcoming maps. The frontage that it uses is on Old</p> <p>5 141.</p> <p>6 This is your zoning map. So this is Old</p> <p>7 141. This is 141. You've got a layer of commercial</p> <p>8 zoning here, some residential zoning that surrounds</p> <p>9 it. This is a old mobile home site that is now an R</p> <p>10 -- converted into like an RV campsite type thing.</p> <p>11 It's Babs RV Park. And then there's several parcels</p> <p>12 that have kind of over time been converted to that.</p> <p>13 And then you've got commercial on the frontage of</p> <p>14 El Jon and Old 141. And then your Stream Order 3 is</p> <p>15 at Saline Creek back here, which you'll see in the</p> <p>16 next slide as well that will show you the topography</p> <p>17 and the flood map -- flood maps.</p> <p>18 This topo map kind of gives you an idea.</p> <p>19 There's the Saline Creek, the extent of the floodway</p> <p>20 is that red boundary line there and then the</p> <p>21 hundred-year floodplain on out to the unregulated</p> <p>22 500-year flood -- floodplain as you get closer to the</p> <p>23 highway.</p> <p>24 A little bit of background: The site</p> <p>25 previously went through a rezoning in 2021 to planned</p>

<p style="text-align: right;">Page 14</p> <p>1 commercial. The prior use was a mobile home park that 2 had fallen into disarray. The previously approved 3 planned commercial plan is shown here. The petitioner 4 would like to add a building that was not on the 5 previous plan requiring a revised development plan. 6 This is that revised development plan. The 7 reason you're here -- we're here this evening is this 8 addition, right here. It's a building and supporting 9 features with it which we'll go through on the next 10 slide. The submitted development plan shows the 11 following: 12 The gravel contractor storage yard which 13 was part of the '21 plan, as well, and then a new 14 70x120 or 8,400 square foot building, right there. 15 The infrastructure, it shows four parking spaces, 16 entrance to the property, and then the remaining tree 17 mass near the eastern property line and buffer 18 locations. 19 The petitioner has requested three 20 modifications: 21 The required relief from the 125-foot 22 offset for their entrance. 23 The requirement for relief from buffer and 24 screening. 25 And then the relief from the design and</p>	<p style="text-align: right;">Page 16</p> <p>1 The last one, the design and improvement of 2 parking lots. The petitioner is requesting relief 3 from the requirement to pave the required parking 4 spaces and drive aisles. The 8,400 square foot 5 building requires a minimum of five parking spaces 6 and, therefore, is required to be paved. This would 7 be only from the entrance at Old Highway 141 to the 8 far end of the parking spaces. The petitioner has 9 presented no evidence of any hardship which would 10 justify granting the request. 11 The development plan analysis: Staff has 12 incorporated conditions of approval to address the 13 risks to public health, safety, and welfare from the 14 development. The development does not appear to have 15 any features that would impede the normal and orderly 16 development and improvement of surrounding properties. 17 Staff believes the proposed use of the 18 property as an office and construction contractor is 19 appropriate. Due to the flooding issues, it is 20 appropriate to utilize the property with material that 21 can be moved out in flooding events. The property is 22 suitable for the proposed uses stated in the 23 development plan. The development plan satisfies the 24 requirements of the UDO applicable to the commercial 25 use as proposed. And there be should no injurious</p>
<p style="text-align: right;">Page 15</p> <p>1 improvements of parking lots. 2 These are some photos from the site. As 3 you can see, it's already been pretty developed -- 4 redeveloped with a nice, wide entrance, paved 5 entrance, and kind of being used as a contractor 6 storage yard currently. 7 So our analysis of a couple things here. 8 We've got the modification analysis and then the zone 9 change or development plan analysis next. On the 10 first one, the 125-foot offset, petitioner's proposing 11 two entrances from Old 141 to the subject property. 12 There is no available location which will not create 13 offsets. This identical request was approved in the 14 previous case in PC21097 so nothing's changing from 15 that case. 16 That kind of follows with the relief from 17 buffer and screening. On the eastern and southern 18 property lines, medium-impact privacy or landscaping 19 screening is required. Staff finds it acceptable to 20 receive relief from buffer requirements in areas 21 within the stream buffer; however, staff would place 22 the condition of proposed remaining vegetation along 23 properties as proposed remain undisturbed. Again, an 24 identical request was approved in the previous case, 25 PC21097.</p>	<p style="text-align: right;">Page 17</p> <p>1 effect or detriment to neighboring properties if all 2 the requirements of the UDO are met with the exception 3 of the requested modification to the parking. 4 So our recommendation, staff is 5 recommending approval of the revised plan along with 6 the recommendation following the modifications: 7 Approval of the 125-foot offset. 8 Approval of the buffering. 9 And denial of the improvement of the 10 parking lot. 11 And I will be happy to take any questions. 12 COMMISSIONER SCHERRER: Thank you. 13 Are there questions for staff? 14 COMMISSIONER SPARKS: I have a few. 15 MR. JUMP: Yep. 16 COMMISSIONER SPARKS: Would it be safe to 17 say -- I'm just doing the rough math here -- that that 18 structure will now be twice as large as it initially 19 was indicated on the prior rezoning? 20 MR. JUMP: Yes. That's about right, yeah. 21 COMMISSIONER SPARKS: Okay. I noticed on 22 some of those slides that you showed it looked like 23 there was a lot of stuff already completed. 24 Currently, is this property in compliance 25 with the former zoning rules that were imposed?</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. JUMP: As far as I know, yeah.</p> <p>2 COMMISSIONER SPARKS: Okay.</p> <p>3 MR. JUMP: Yep.</p> <p>4 COMMISSIONER SPARKS: And with the addition</p> <p>5 of with -- with their request of the parking, is there</p> <p>6 an ADA compliance in there if they didn't have five</p> <p>7 spaces or four spaces or gravel or?</p> <p>8 MR. JUMP: I believe you're required to</p> <p>9 have one ADA space regardless.</p> <p>10 COMMISSIONER SPARKS: Right, it's Federal</p> <p>11 Statute --</p> <p>12 MR. JUMP: Yeah.</p> <p>13 COMMISSIONER SPARKS: -- 25 or less.</p> <p>14 MR. JUMP: And those, generally, have to be</p> <p>15 paved.</p> <p>16 COMMISSIONER SPARKS: Right.</p> <p>17 MR. JUMP: The ADA space, not the -- not</p> <p>18 the additional spaces --</p> <p>19 COMMISSIONER SPARKS: Okay.</p> <p>20 MR. JUMP: -- necessarily. But the ADA</p> <p>21 space, yes, it would -- would generally have to be</p> <p>22 paved.</p> <p>23 COMMISSIONER SPARKS: Okay. That's all I</p> <p>24 have.</p> <p>25 MR. JUMP: Yeah.</p>	<p style="text-align: right;">Page 20</p> <p>1 And if you guys have any questions, I'm</p> <p>2 more than happy to answer them.</p> <p>3 COMMISSIONER SCHERRER: Okay.</p> <p>4 Are there questions?</p> <p>5 COMMISSIONER BOWERS: Do you have a problem</p> <p>6 with the requiring with the five parking spaces and</p> <p>7 the pavement to that?</p> <p>8 MS. MCCUNE: No.</p> <p>9 COMMISSIONER BOWERS: You don't have a</p> <p>10 problem with that?</p> <p>11 MS. MCCUNE: No.</p> <p>12 COMMISSIONER BOWERS: Okay. Thank you.</p> <p>13 MS. MCCUNE: Thank you.</p> <p>14 COMMISSIONER SCHERRER: Is there something</p> <p>15 you'd like to add?</p> <p>16 MR. PAY: No.</p> <p>17 COMMISSIONER SCHERRER: No, okay.</p> <p>18 MS. MCCUNE: Sorry. He's the project</p> <p>19 manager. He knows a lot more about this so I thought</p> <p>20 if there were any really detailed questions he would</p> <p>21 be my backup but...</p> <p>22 COMMISSIONER SCHERRER: We will probably</p> <p>23 call you back, ma'am.</p> <p>24 MS. MCCUNE: Okay. Perfect. Thank you so</p> <p>25 much.</p>
<p style="text-align: right;">Page 19</p> <p>1 COMMISSIONER SPARKS: Thank you.</p> <p>2 COMMISSIONER SCHERRER: Other questions for</p> <p>3 staff?</p> <p>4 Okay. Is the petitioner present?</p> <p>5 Please come forward. State your name,</p> <p>6 address, and that you have been sworn in. And as a</p> <p>7 reminder, you have ten minutes. We'll just do one at</p> <p>8 a time, you know, you can both be there but one at a</p> <p>9 time and then, so name, address, and that you've been</p> <p>10 sworn.</p> <p>11 MS. MCCUNE: Yes. Kaylee McCune. I live</p> <p>12 at 10561 Litz Avenue in Saint Ann, Missouri, and I</p> <p>13 have been sworn in.</p> <p>14 COMMISSIONER SCHERRER: Thank you.</p> <p>15 MS. MCCUNE: I am the attorney for</p> <p>16 Bommarito Construction. We have put this forward. I</p> <p>17 wanted to address what you mentioned as it being</p> <p>18 double the size of the original. In our original</p> <p>19 petition, we were intending to utilize a home that was</p> <p>20 existing on the property. Due to that home not being</p> <p>21 kept by the previous owners, we were unable to salvage</p> <p>22 that home and use it so we ended up having to tear it</p> <p>23 down which had led us to needing that space to be</p> <p>24 absorbed in the new building so that is why we are</p> <p>25 here.</p>	<p style="text-align: right;">Page 21</p> <p>1 COMMISSIONER SCHERRER: Thank you.</p> <p>2 Are there citizens wishing to be heard that</p> <p>3 are in favor of this project?</p> <p>4 Anyone wishing to be heard that is in favor</p> <p>5 of it?</p> <p>6 Citizens wishing to be heard that are</p> <p>7 opposed to the project?</p> <p>8 Please come forward. State your name,</p> <p>9 address, and that you have been sworn in. This</p> <p>10 portion allows for 20 minutes but no one speaker will</p> <p>11 be allowed to speak for more than three minutes.</p> <p>12 MR. DAY: My name is Henry Day. I live at</p> <p>13 1722 South Old Highway 141. The storage area --</p> <p>14 COMMISSIONER SCHERRER: And that you have</p> <p>15 been sworn, sir.</p> <p>16 MR. DAY: Yeah, I have.</p> <p>17 COMMISSIONER SCHERRER: All right. Thank</p> <p>18 you.</p> <p>19 MR. DAY: Uh-huh. This storage shed that</p> <p>20 they want to enlarge -- I been living there for</p> <p>21 50 years, my wife and I. I live at 1722. Anyway, we</p> <p>22 got on the bad terms of the gravel. It's like 2-foot</p> <p>23 above the grade in back by the creek which when that</p> <p>24 floods, it backs up the creek all over and they</p> <p>25 enlarged it. How they got by with that, I don't know.</p>

<p style="text-align: right;">Page 22</p> <p>1 But my main concern now with the shed and all, more 2 traffic; they put a privacy fence up; we have, backed 3 up against there, starting engines, gas coming over, 4 fumes, and it's just -- it's just a serious problem 5 with Bommarito. My personal opinion they should go to 6 more a rural area. I'm voting no on it is -- and 7 that's the way I feel.</p> <p>8 COMMISSIONER SCHERRER: Okay. Are there 9 questions for this citizen?</p> <p>10 So your concern is the rock they used --</p> <p>11 MR. DAY: Not the rock, the building itself 12 and they don't even need a building there. They got 13 storage buildings all out in there and they don't even 14 use those. I mean, I don't understand why they -- 15 they need a new -- a storage building.</p> <p>16 COMMISSIONER SCHERRER: You mentioned 17 something about rock backing up the creek or?</p> <p>18 MR. DAY: Oh, oh, yeah. They come in there 19 and they chatted rock. They brought that up. It's 20 all over and up against my easement there. They took 21 my easement over. They surveyed it off, 10-foot 22 easement, I've had it for 50 years from the other. 23 They took it. Joe don't even know what's happening at 24 Bommarito to be truthful; he leaves it up to his other 25 crew. But they pushed that chat all the way up</p>	<p style="text-align: right;">Page 24</p> <p>1 Citizens wishing to be heard that are 2 opposed to the project?</p> <p>3 Yeah. Yes, go ahead. Please come forward.</p> <p>4 State your name, address, and that you have been sworn 5 in.</p> <p>6 Can you put the property back up?</p> <p>7 MR. JUMP: Yes.</p> <p>8 MS. DAY: Hello. My name is Ruth Day. I 9 live at 1722 South Old Highway 141 and I have been 10 sworn in.</p> <p>11 COMMISSIONER SCHERRER: Thank you.</p> <p>12 MS. DAY: Well, first, my husband and I 13 feel a little different. I think they've been fairly 14 decent neighbors. We constantly, though, worry about 15 the flooding of the area and the -- anything being 16 built up which would divert more toward us 'cause 17 we're right next door to it but that's my big concern.</p> <p>18 And then the other concern is our view from 19 our windows where before, you know, we could look out 20 and we could see grass, the road, and, you know, just 21 -- and, now, when you look out our living room window 22 you see the back of the dump trucks. And our bedroom 23 window, you see the -- the cabs from the Caterpillars 24 looking straight in. You know, you wonder, is anybody 25 in there, you know.</p>
<p style="text-align: right;">Page 23</p> <p>1 against my fence and everything else. And I was 2 supposed to have a 10-foot easement, they didn't even 3 honor that. They just started pushing and -- and the 4 way I feel that they shouldn't enlarge their building. 5 It shouldn't even be there, period.</p> <p>6 They got all kinds of storage and they're 7 getting more and more vehicles every day. They 8 started off with two pieces of claws out there, two 9 dump trucks. As I left today, they got, I think it's 10 six dump trucks, six claws, and they just keep 11 enlarging, enlarging and it -- lights. They get there 12 at 6:30 in the morning. We're retired, both of us, 13 and they continue. The lights come in our side 14 window. We got the blinds, they still come in.</p> <p>15 I don't think they should be there is -- is 16 my -- you know, I'm voting no to enlarge the building.</p> <p>17 COMMISSIONER SCHERRER: Okay. Anything 18 else you'd like to add?</p> <p>19 MR. DAY: That's it, sir.</p> <p>20 COMMISSIONER SCHERRER: All right. Thank 21 you.</p> <p>22 MR. DAY: Appreciate it. Thank you.</p> <p>23 COMMISSIONER SCHERRER: Any other wish -- 24 citizens wishing to be heard that are opposed to the 25 project?</p>	<p style="text-align: right;">Page 25</p> <p>1 But -- but they're -- they're decent 2 people. They're nice neighbors. They helped us out 3 in an occasion where we had some trees trimmed and 4 they were very thoughtful but it's just we greatly 5 worry more about the flooding and anything that would 6 have -- divert toward us, any building. Oh, that 7 would be all I have to say.</p> <p>8 COMMISSIONER SCHERRER: Are there 9 questions?</p> <p>10 We have one question.</p> <p>11 COMMISSIONER SPARKS: Obviously, you've 12 lived there for a very long time and, I guess, from 13 2021 it was a abandoned mobile home park?</p> <p>14 MS. DAY: Right. It got flooded out.</p> <p>15 COMMISSIONER SPARKS: Is the view -- is the 16 view better or worse right now in your opinion?</p> <p>17 MS. DAY: From the abandoned, I would say 18 it's better 'cause --</p> <p>19 COMMISSIONER SPARKS: Okay.</p> <p>20 MS. DAY: -- they had a lot of, you know, 21 kids hanging out and it was kind of...</p> <p>22 COMMISSIONER SPARKS: So the riffraff is --</p> <p>23 MS. DAY: Yeah.</p> <p>24 COMMISSIONER SPARKS: -- vacated --</p> <p>25 MS. DAY: Yeah.</p>

<p style="text-align: right;">Page 26</p> <p>1 COMMISSIONER SPARKS: -- with the dump 2 trucks coming in is what you're saying? 3 MS. DAY: Right. 4 COMMISSIONER SPARKS: Okay. Thank you. 5 COMMISSIONER SCHERRER: Other citizens 6 wishing to be heard that are opposed to this 7 application? 8 Anyone wishing to be heard that are opposed 9 to this application? 10 Would the petitioner please come back? 11 So we had something about some rock, 12 flooding concerns, and easement issues. Can you 13 address those? 14 MS. MCCUNE: Yes. And I would like to now 15 pass to Chris Pay -- 16 COMMISSIONER SCHERRER: Okay. 17 MS. MCCUNE: -- who is very knowledgeable. 18 MR. PAY: Good evening, Commission. My 19 name's Chris Pay. I live at 710 South Rock Hill in 20 Webster Groves, Missouri, and I have been sworn in. 21 COMMISSIONER SCHERRER: Thank you. 22 MR. PAY: To address the rock, I think when 23 we initially did the -- the first phase of the 24 development we were provided with finish grade 25 elevations that we could achieve with bringing in</p>	<p style="text-align: right;">Page 28</p> <p>1 erosion of the site any further with the -- the 2 placement of the rock and are hoping that we're not 3 creating a burden on anybody else. 4 COMMISSIONER SCHERRER: Okay. And then the 5 gentlemen that spoke felt that you encroached upon his 6 easement. Can you speak to that? 7 MR. PAY: I do recall we had a discussion, 8 I guess, when we were initially beginning the -- the 9 construction, the redevelopment of the site, and that 10 was brought up with the easement and we did confirm 11 with our surveyor and with the county that the 12 easement was not there that we were capable to develop 13 and design it as we planned. 14 COMMISSIONER SCHERRER: And do you know if 15 that was a -- an easement that he had for a road 16 easement or was it a utility easement or? 17 MR. PAY: I'm not really sure. 18 COMMISSIONER SCHERRER: Okay. 19 MR. PAY: When we did do some homework on 20 it to try to find out, we found out that it did not 21 exist in the terms -- 22 COMMISSIONER SCHERRER: Okay. 23 MR. PAY: -- that we were presented, so. 24 COMMISSIONER SCHERRER: All right. 25 MR. PAY: We did build the site up and</p>
<p style="text-align: right;">Page 27</p> <p>1 rock. And so in order to bring that rock in, we were 2 to over-excavate that a foot to bring in a foot of 3 rock so that we weren't changing the -- the grade of 4 that and -- and then grading or displacement within 5 that flood zone so that's what we did. 6 We took a survey of the site before we did 7 any of the earth work and then made sure that we could 8 confirm after we did all of our regrading, import 9 rock, and that kind of thing to stabilize the site 10 that we would be achieving and maintaining the same 11 grades that were there prior to our -- our activity. 12 COMMISSIONER SCHERRER: Okay. I don't know 13 what you can tell me about the flooding. I'm familiar 14 with the area and I know how bad the flooding is but 15 could you speak -- please speak to the flood concerns 16 that were brought up? 17 MR. PAY: We're relatively new to this site 18 so we haven't -- we don't have the history of knowing 19 kind of the capabilities of that flood plain and what 20 it's able to achieve. We have -- in the time that 21 we've been out there, we've encountered high waters 22 where materials and stuff have floated down the creek 23 and landed on our property, which we cleaned up and 24 that sort of thing. But other than that, we -- with 25 it being more stable, we're preventing, you know, the</p>	<p style="text-align: right;">Page 29</p> <p>1 we're -- ended it in that way but there are some BMPs 2 that are along that northern corridor, too, that allow 3 that if water is to shed off of our site, it will 4 catch that BMP and then go straight to the creek and 5 not encroach on their property. 6 COMMISSIONER SCHERRER: Okay. Are there 7 questions? 8 Please, go ahead. 9 COMMISSIONER SPARKS: I have a question for 10 counsel for Bommarito there. Your previous statement 11 about the size of the building and reutilization of a 12 structure that was on-site -- 13 MS. MCCUNE: Yes. 14 COMMISSIONER SPARKS: -- so there was a 15 footprint of that structure and the plan was to use 16 that? 17 MS. MCCUNE: Yes. 18 COMMISSIONER SPARKS: Correct? 19 MS. MCCUNE: Yes. 20 COMMISSIONER SPARKS: My question to you is 21 if it was not suitable to be used and utilized in that 22 area and it had to be demoed, why isn't it the same 23 size as that footprint now? 24 MS. MCCUNE: So the original plan, we had 25 the home that was existing and we had put a small</p>

<p style="text-align: right;">Page 30</p> <p>1 building that we were thinking of adding at some 2 point. With the teardown of the building, instead of 3 doing two smaller buildings, we wanted to consolidate 4 and do one larger building. The idea was to build a 5 building for storage and use the home as an office of 6 sorts for our field staff which is now, currently, I 7 think two people who work down there during the day. 8 And with the house not being able to be used, we then 9 had to incorporate office space into the original 10 warehouse plan thereby slightly expanding the 11 footprint of the proposed building, the new structure. 12 COMMISSIONER SPARKS: Thank you. 13 COMMISSIONER SCHERRER: Other questions? 14 COMMISSIONER BOWERS: It was mentioned 15 about trucks starting early in the mornings, warming 16 up trucks and things like that. Do you have a -- your 17 hours of operation? 18 Can you speak to that? 19 MS. MCCUNE: Yes. 20 COMMISSIONER BOWERS: What time you're 21 going to be starting and things like that? 22 MS. MCCUNE: Normally, we try to get crews 23 to the yard no earlier than 6:30 in the morning and 24 that is so that they can be at their sites by seven. 25 We have -- not all of our crews go through the yard,</p>	<p style="text-align: right;">Page 32</p> <p>1 COMMISSIONER SPARKS: Just one more 2 question because the other member brought up, you 3 know, can you move stuff around. Looking over this, 4 there's some deleting of, you know, buffer area and 5 stuff. Is currently the vehicles that sit there no 6 buffer at all between where those trucks sit and where 7 their property, you know, is in line of sight 8 currently? 9 MR. PAY: Yes, currently, there is the 10 vinyl fence that we put in with the part of the 11 original development. There are some buffer plantings 12 that are to go in there as completion of that initial 13 floodplain -- floodplain development permit that we 14 have out. I don't know that they'll be substantially 15 taller than the trees. There's quite a bit of tall 16 trees there as well, currently, but we will get those 17 in, in order to try to mitigate that as well. 18 COMMISSIONER SPARKS: Do you think that 19 there's anything that you guys could do as a good 20 neighbor to maybe increase the buffer voluntarily with 21 some kind of sound damp -- dampening that would help 22 some of the neighbors that the -- live behind the 23 facility or is it in the plan at all? 24 MS. MCCUNE: It wasn't in the plan but we 25 can definitely take it under consideration, see what</p>
<p style="text-align: right;">Page 31</p> <p>1 only certain crews and that's only to pick up 2 equipment. They are there for a very short period of 3 time. 4 I do understand that that can be 5 frustrating with lights coming on and there being some 6 level of noise. We do -- however, we do not have 7 operations at the yard full time. It's really just a 8 storage yard for them to grab and go to their sites 9 around town but we do 6:30 to about four is what's 10 expected with our field working from the about seven 11 to 3:30 every day. 12 COMMISSIONER BOWERS: Any way to position 13 the trucks on the other side of the lot or anything 14 like that? 15 Have you thought about that since you have 16 neighbors living right next door to you? 17 MS. MCCUNE: Yeah, we can definitely look 18 into reassessing the site with the construction that 19 will go into place with the building. That gives us 20 an opportunity to take the concerns and see if there's 21 a way that we can work together to move things around 22 the property that can please both parties. 23 COMMISSIONER BOWERS: Thank you. 24 MS. MCCUNE: Thank you. 25 COMMISSIONER SCHERRER: Other questions?</p>	<p style="text-align: right;">Page 33</p> <p>1 we can do to either widen that buffer, move things 2 around, even if it's planting taller trees or whatever 3 we can do. 4 We enjoy using the property. It's been a 5 very big advantage to our company. It's allowed us to 6 grow and perform a lot of the IJA money that's been 7 coming out and then, you know, improve our communities 8 as a whole so it's been a huge benefit having the 9 property and we're definitely committed to making sure 10 that our neighbors are happy with us and that we 11 continue to have a good atmosphere... 12 COMMISSIONER SPARKS: All right. That's 13 all I have. Thank you. 14 MS. MCCUNE: Thank you. 15 COMMISSIONER SCHERRER: Other questions? 16 COMMISSIONER TUGGLE: No. 17 COMMISSIONER SCHERRER: No, okay. 18 Anything else you'd like to add? 19 MS. MCCUNE: No, I think we're okay. Thank 20 you, guys. 21 COMMISSIONER SCHERRER: All right. Thank 22 you very much. 23 MS. MCCUNE: Thanks. 24 COMMISSIONER SCHERRER: Discussion amongst 25 commissioners?</p>

<p style="text-align: right;">Page 34</p> <p>1 COMMISSIONER TUGGLE: I -- so I just want 2 to make sure -- 3 COMMISSIONER SCHERRER: Turn your mic on. 4 COMMISSIONER TUGGLE: Sorry. 5 COMMISSIONER SCHERRER: That's all right. 6 COMMISSIONER TUGGLE: What's going to make 7 sure that they enhance this area to help this neighbor 8 out? 9 COMMISSIONER SCHERRER: Well, so I drive by 10 this site at least twice a day. 11 COMMISSIONER TUGGLE: Me too. 12 COMMISSIONER SCHERRER: And I can tell you 13 that it is one million times cleaner, neater, nicer 14 than it was two years ago, three years ago, whatever 15 it was. There was derelict trailers that were caved 16 in and falling in and then there was some other 17 trailers that were moved in there and they were put up 18 on 4-foot tall pads and it was a mess and what's there 19 now is much nicer. The property is zoned 20 commercially; we did this, what, in two-thousand -- 21 MS. KRISPIN: '21. 22 COMMISSIONER SCHERRER: -- twenty-one so 23 the -- the screening and the buffering and all the 24 work that goes into the -- to the area that floods, 25 that's kind of already been decided back in 2021.</p>	<p style="text-align: right;">Page 36</p> <p>1 that speaks on their character myself, personally, so 2 I like to see that. 3 I think as written that the denial because 4 there's no evidence that there's any hardship to be 5 within compliance of that parking, I think, as 6 written, I think, approvals and the denial for the 7 parking, I think, is warranted in my opinion. 8 COMMISSIONER SCHERRER: Other discussion or 9 a motion? 10 COMMISSIONER BOWERS: I'll make a motion to 11 approve PC24009 with all staff recommendations with 12 the approval of the two reliefs and denial of the 13 third. 14 COMMISSIONER SCHERRER: Is there a second? 15 COMMISSIONER TUGGLE: Second. 16 COMMISSIONER SCHERRER: Commissioner Bowers 17 made a motion to approve PC24009 with staff 18 recommendations; it was seconded by Commissioner 19 Tuggle. 20 All in favor? 21 COMMISSION: Aye. 22 COMMISSIONER SCHERRER: Opposed? 23 PC24009 passes unanimously. 24 25</p>
<p style="text-align: right;">Page 35</p> <p>1 If Bommarito would like to do something to 2 be a good neighbor, that's -- that's really nice of 3 them but it's much better than what it was, so. 4 COMMISSIONER TUGGLE: I understand that. 5 COMMISSIONER SCHERRER: Other discussion? 6 COMMISSIONER TUGGLE: So my question is 7 since they have made the statement that they will go 8 in there and make some changes, see what they can do, 9 take it under consideration, what's going to make sure 10 they do that? 11 Nothing? 12 COMMISSIONER SCHERRER: Well, nothing 13 unless that we put something into the approval or not 14 the denial but you know -- but I would caution us on 15 that because that's not really our forte. 16 COMMISSIONER BOWERS: I mean, and just to 17 add, it was stated by one of the other witnesses that 18 they had been -- they had been good neighbors and all 19 that, you know, and I think we have to take a -- if 20 you want to call it a leap, leap of faith but... 21 COMMISSIONER SPARKS: I mean, I think, you 22 know, they seem -- you know, everything's in 23 compliance currently. We have a lot of people that 24 start stuff and then come in here and ask us for 25 forgiveness instead of permission, okay, so I think</p>	<p style="text-align: right;">Page 37</p> <p>1 COMMISSIONER SCHERRER: Next up, VR24014. 2 Ms. Krispin. 3 MS. KRISPIN: Thank you. 4 This is VR24014. The petitioner is 5 requesting relief from Section 505.170.B.3. 6 COMMISSIONER BOWERS: Ms. Krispin, turn on 7 your mic, please. 8 MS. KRISPIN: Thank you. 9 That requires a 25-foot bumper for a Stream 10 Order 1 and a Stream Order 2 for the construction of a 11 lake. 12 The subject property is located at 14700 13 Maples Holler in De Soto. The property is zoned large 14 lot residential and is about 41 acres in size. 15 Floodplain traverses the southern portion of the 16 property in addition to both the Stream Order 1 and 2. 17 This is a look at the zoning map. The 18 subject property is outlined in red. Surrounding it 19 is large lot residential LR2 as well as RA5. 20 This is a look at the zoning map or, I'm 21 sorry, the topography map. This is the stream -- 22 Stream Order 1 that traverses. The Stream Order 2 is 23 right down here, as well as the 100-year floodplain. 24 This was the submitted site plan showing the area of 25 the lake as well as that stream buffer.</p>

<p style="text-align: right;">Page 38</p> <p>1 For the analysis, the Department of Public 2 Works Stormwater Division is responsible for enforcing 3 the Erosion and Sediment Control and Stormwater 4 Management Design Manual and, therefore, provided the 5 analysis. The Jefferson County engineer with the 6 Stormwater Division is recommending that the Planning 7 and Zoning Commission temporarily deny or continue the 8 above variance request for the reasons listed below: 9 The first one being the floodplain permit 10 hasn't been applied for or issued. 11 And the second one that the Jefferson 12 County Stormwater Division does not have a complete 13 land disturbance permit application submission. 14 So the recommendation: The Department of 15 Public Works is requesting to temporarily deny or 16 continue the requested relief from Section 505.170.B.3 17 that requires a 25-foot buffer for a Stream Order 1 18 and a Stream Order 2 for the construction of a lake 19 and I believe Mr. Cordes would like to add a few 20 things so I'm going to turn it over to him. 21 MR. CORDES: Thank you, Rachel. 22 And I just wanted to speak to the -- the 23 two things that the Stormwater Division requested. So 24 the first is a temporary denial. That's not really 25 something you have a mechanism for or could</p>	<p style="text-align: right;">Page 40</p> <p>1 sworn. 2 COMMISSIONER SCHERRER: Thank you. 3 MR. FRIBIS: This project is very unusual. 4 Many of you have heard me talk before and most of our 5 applications are about subdivisions and stream buffers 6 for the subdivisions and such. This is not a 7 subdivision. My clients own 40 acres, as Rachel has 8 mentioned, and they want to put a 1-acre lake in, in 9 that 40 acres in the extreme south, yeah, it'd be the 10 southeast part of the project. 11 What we're here for tonight is a stream 12 buffer variance. Now, in a lake the use of the term 13 "stream buffer" becomes inappropriate. The stream 14 runs in -- like all lakes, there's a stream or river 15 that runs into it. We have a dam at the left side of 16 that project and the creek then is at the bottom of 17 the lake once the lake fills up. So the dashed lines 18 that I have drawn kind of diagonally through the 19 middle of that lake is about where we think the 20 existing stream was. 21 Now, we've sent surveyors out there and 22 shot elevations around this complete area but the 23 ground was disturbed enough in the middle that we 24 couldn't identify for sure where the original stream 25 was but the 25-foot buffer would still be under water</p>
<p style="text-align: right;">Page 39</p> <p>1 practically do. The second one is a continuance which 2 you could do; however, it's not something that there's 3 a lot of precedent for amongst this body and, 4 moreover, it involves then re-noticing up everything 5 we have to do tonight. 6 So I would suggest to you gentlemen that in 7 considering this, one, you could deny it or if you 8 wanted to approve it you could -- somebody could 9 always make a motion to approve it with the conditions 10 that they, you know, apply for and obtain the 11 floodplain permit and apply for obtaining a land 12 disturbance permit but this temporary denial is not 13 really something you could practically do, so. 14 COMMISSIONER SCHERRER: All right. Thank 15 you, sir. 16 You finished? 17 MS. KRISPIN: Uh-huh. 18 COMMISSIONER SCHERRER: Okay. Is the 19 petitioner present? 20 Please come forward. State your name, 21 address, and that you have been sworn in. 22 MR. FRIBIS: Good evening, gentlemen. My 23 name is Gene Fribis. I'm the engineer on this 24 project. Our office is located at 3838 Jeffco 25 Boulevard, Suite No. 6 in Arnold and I have been</p>	<p style="text-align: right;">Page 41</p> <p>1 so it makes no sense to really have a stream buffer in 2 what is going to be a future lake. 3 Now, the stream buffers make a heck of a 4 lot of sense in a subdivision and that's what we do 5 mostly because the developers, usually, there's some 6 creek on a subdivision, they're going to be selling 7 houses to people that back up to that creek and it 8 makes a lot of sense to have a stream buffer in that 9 case because the future buyers, owners of the homes 10 will want to be assured that there's not going to be 11 any flooding in their backyard. And, furthermore, the 12 county and the developers would prefer that the future 13 home buyers don't encroach into that stream buffer by 14 taking down trees or putting up swing sets or whatever 15 may happen. But that stream buffer definition that 16 we've used now for many years simply doesn't apply to 17 this project. 18 We have a lot of engineering work to do yet 19 but we'd like to leave here with that, at least, 20 knowledge that a stream buffer variance is granted. 21 Now, we'll have another three or four weeks and, 22 although, I've addressed some of those issues on this 23 plan, we're not really addressing those tonight. 24 We've got erosion control blankets and silt fences, a 25 lot of things that we need to do around the lake which</p>

<p style="text-align: right;">Page 42</p> <p>1 we will do later. But, first, it seems like we ought</p> <p>2 to take care of the stream buffer issue and get that</p> <p>3 approved so that we can move ahead.</p> <p>4 I'm going to stop there. I've done a lot</p> <p>5 of extra work on this site. I'm not sure it's</p> <p>6 relevant to our application tonight but if it will</p> <p>7 help you all to understand the project better, I can</p> <p>8 answer the questions.</p> <p>9 COMMISSIONER SCHERRER: Okay. Are there</p> <p>10 questions for the petitioner?</p> <p>11 COMMISSIONER HUSKEY: Yeah, Gene, it's</p> <p>12 going to be the minimum height on the dam, you won't</p> <p>13 have to go through the Army Corps; will you?</p> <p>14 MR. FRIBIS: Actually, because it's -- they</p> <p>15 said no, that they would not take any position on</p> <p>16 this. The project is so small, the creek is so small,</p> <p>17 impact is so small and that's what I'm assuming they</p> <p>18 think because they have basically elected, in writing,</p> <p>19 that they would not offer an opinion on this site.</p> <p>20 COMMISSIONER HUSKEY: 'Cause it's going to</p> <p>21 be below 35 feet than the dam?</p> <p>22 MR. FRIBIS: The dam is going to be about 8</p> <p>23 to 10 feet high.</p> <p>24 COMMISSIONER HUSKEY: Yeah.</p> <p>25 MR. FRIBIS: And I did do some work on --</p>	<p style="text-align: right;">Page 44</p> <p>1 siltation devices and the grading in general.</p> <p>2 And I have submitted the hydraulics to</p> <p>3 Craig Burgard at the -- at the County Building</p> <p>4 Department to show that we wouldn't be backing up any</p> <p>5 water to our upstream neighbor. And I also wanted to</p> <p>6 show that our spillway, which is going to just be a</p> <p>7 trapezoidal section cutout in the dam, in the upper</p> <p>8 side of that dam, I had to make sure that we could</p> <p>9 handle all the water that would be coming down the</p> <p>10 stream and, eventually, flowing over.</p> <p>11 So we've done a lot of engineering things</p> <p>12 but those items that I just mentioned will be worked</p> <p>13 on later assuming we get approval of the stream buffer</p> <p>14 variance this evening.</p> <p>15 COMMISSIONER BOWERS: So you don't have a</p> <p>16 problem with it being approved with the conditions of</p> <p>17 the permits being --</p> <p>18 MR. FRIBIS: That's correct. That's what</p> <p>19 we always anticipated.</p> <p>20 COMMISSIONER BOWERS: Thank you.</p> <p>21 MR. FRIBIS: We just want to get the stream</p> <p>22 buffer issue out of the way but I got a lot of work to</p> <p>23 do in the next month to satisfy the Public Works</p> <p>24 Department and the Stormwater Department, in</p> <p>25 particular, and we're certainly ready to do that.</p>
<p style="text-align: right;">Page 43</p> <p>1 COMMISSIONER HUSKEY: That's not going to</p> <p>2 be involved?</p> <p>3 MR. FRIBIS: -- the dam because we don't</p> <p>4 want to back up any water on an upstream property</p> <p>5 owner. If you look at the bottom right of that</p> <p>6 drawing -- and I have an updated drawing but it's,</p> <p>7 essentially, the same for our purposes tonight -- the</p> <p>8 line on the right side of that drawing is the property</p> <p>9 line so we're pretty close to our upstream neighbor.</p> <p>10 And I don't want to make the dam so high that it backs</p> <p>11 up property at normal pool elevation that would get</p> <p>12 into their creek.</p> <p>13 So we actually have kept it pretty low. I</p> <p>14 mean, it's like an 8- or 10-foot high damn and the</p> <p>15 rest of the issues we'll take care of later. You</p> <p>16 know, I've got another three, four weeks we have to do</p> <p>17 on this project but I think that's completely</p> <p>18 independent of getting this issue of the stream buffer</p> <p>19 when there is no stream. I'd like to get that taken</p> <p>20 care of tonight so we can move ahead with the</p> <p>21 confidence that all we need to do from this point</p> <p>22 onward, if we get this variance, is simply knock out</p> <p>23 all the engineering details and there's a lot of them,</p> <p>24 then we'll be submitting another plan to the Public</p> <p>25 Works Department to get approval on all of our</p>	<p style="text-align: right;">Page 45</p> <p>1 COMMISSIONER SPARKS: I got a -- I mean, to</p> <p>2 me, it might be an obvious question but it might not</p> <p>3 be an obvious question 'cause I am not an engineer.</p> <p>4 It's a 1-acre lake.</p> <p>5 MR. FRIBIS: Correct.</p> <p>6 COMMISSIONER SPARKS: Move it 25 feet,</p> <p>7 right?</p> <p>8 Just move it 25 feet?</p> <p>9 Move it out of the place we're -- we're</p> <p>10 having issues or am I just wrong?</p> <p>11 MR. FRIBIS: No, I don't understand. Move</p> <p>12 it where?</p> <p>13 COMMISSIONER SCHERRER: You -- you can't</p> <p>14 move it.</p> <p>15 MR. FRIBIS: Yeah.</p> <p>16 COMMISSIONER SCHERRER: You wouldn't be</p> <p>17 able to get water to it to fill it up if you moved it.</p> <p>18 They're using the creek, which is part of the stream</p> <p>19 order and the storm -- or stream buffer to fill --</p> <p>20 COMMISSIONER SPARKS: To fill --</p> <p>21 COMMISSIONER SCHERRER: -- to fill the</p> <p>22 lake, yeah. They're building the lake right in the</p> <p>23 middle of it; otherwise, you couldn't get water to it</p> <p>24 without pumping it or raining.</p> <p>25 COMMISSIONER SPARKS: Right.</p>

<p style="text-align: right;">Page 46</p> <p>1 COMMISSIONER SCHERRER: A lot of rain.</p> <p>2 Other questions?</p> <p>3 COMMISSIONER SPARKS: Has any excavation</p> <p>4 started on this project yet?</p> <p>5 MR. FRIBIS: Yes.</p> <p>6 COMMISSIONER SPARKS: Why?</p> <p>7 MR. FRIBIS: The owner didn't know. It's a</p> <p>8 very isolated part of the county. It's about a half a</p> <p>9 mile from the Washington County line off of Highway 21</p> <p>10 back on about a 2,000-foot gravel road that gets</p> <p>11 access to his property. And, by the way, I should</p> <p>12 mention his house, when I say his it's a married</p> <p>13 couple and they own a house kind of in the -- in the</p> <p>14 middle, to the right of the bottom of that rectangle</p> <p>15 that's drawn in. So they have one house on the</p> <p>16 property and not -- they're not asking for any</p> <p>17 subdivision of the property at all.</p> <p>18 But he -- I mean, people in an area like</p> <p>19 that, there's been no development down there, they</p> <p>20 don't know that they can't go to their 40 acres of</p> <p>21 ground and build a 1-acre lake. I mean, you could</p> <p>22 say, well, there's -- ignorance of the law is no</p> <p>23 excuse but I think it's reasonable that that happened.</p> <p>24 And the owners have been very cooperative. They</p> <p>25 understand what needs to be done.</p>	<p style="text-align: right;">Page 48</p> <p>1 of the project?</p> <p>2 Anyone wishing to be heard that is opposed</p> <p>3 to the project?</p> <p>4 You're opposed?</p> <p>5 Please come forward. State your name,</p> <p>6 address, and that you have been sworn in.</p> <p>7 MR. RAWSON: My name's Dustin Rawson.</p> <p>8 Address is 14777 Maples Holler. I have been sworn in.</p> <p>9 Basically, my concern is my property would</p> <p>10 be directly below that dam, the L-shaped piece of</p> <p>11 property, the 008. My concern is if this -- if this</p> <p>12 dam was to fail, what's it going to do to my place?</p> <p>13 'Cause, I mean, I'm fixing to build a house</p> <p>14 down there and everything else so that's my concern.</p> <p>15 And, also, I have -- I have not trespassed up there to</p> <p>16 see what's going on but I've heard there's already a</p> <p>17 dam built there. Is that correct?</p> <p>18 COMMISSIONER SCHERRER: We can ask the</p> <p>19 petitioner.</p> <p>20 MR. RAWSON: It is okay if I ask him?</p> <p>21 COMMISSIONER SCHERRER: No, not yet.</p> <p>22 MR. RAWSON: Okay.</p> <p>23 COMMISSIONER SCHERRER: We'll ask him.</p> <p>24 MR. RAWSON: Okay.</p> <p>25 COMMISSIONER SCHERRER: So your concerns or</p>
<p style="text-align: right;">Page 47</p> <p>1 They had to put in -- and I think it's okay</p> <p>2 to say this -- to ensure that everything would be done</p> <p>3 properly, they had to write a check for \$70,000 to the</p> <p>4 county as an insurance policy, is my word for it, to</p> <p>5 -- that they will get back if they do everything that</p> <p>6 the county asks us to do on what remains on this</p> <p>7 project.</p> <p>8 COMMISSIONER SPARKS: When the people</p> <p>9 built their home there, did Jefferson County have,</p> <p>10 basically, a UDO and zoning and enforcement or is this</p> <p>11 something that predates --</p> <p>12 MR. FRIBIS: I don't know when the home was</p> <p>13 built. I've seen it, haven't been inside of it. I</p> <p>14 would say that it -- there may not have been a code at</p> <p>15 that time.</p> <p>16 COMMISSIONER SPARKS: Okay.</p> <p>17 COMMISSIONER SCHERRER: Other questions?</p> <p>18 All right. Thank you, sir.</p> <p>19 MR. FRIBIS: Okay. Thank you, all.</p> <p>20 COMMISSIONER SCHERRER: Are there other</p> <p>21 citizens, supporting consultants that would like to</p> <p>22 speak on this?</p> <p>23 Are there citizens wishing to be heard that</p> <p>24 are in favor of the project?</p> <p>25 Anyone wishing to be heard that is in favor</p>	<p style="text-align: right;">Page 49</p> <p>1 your concern is failure of the dam?</p> <p>2 MR. RAWSON: Yeah. So I'm -- I'm concerned</p> <p>3 if -- if the dam fails that it's going to pretty much</p> <p>4 wipe out everything I own and take me down the river</p> <p>5 with it because, I mean, my place basically runs right</p> <p>6 along that creek. And I've seen that creek. There's</p> <p>7 a lot of water that comes down that creek 'cause I've</p> <p>8 owned that for about ten years now, so. And it's</p> <p>9 concerning to me the -- the size, the kind of spillway</p> <p>10 that's going to need to handle that kind of water that</p> <p>11 comes down that and not -- not tear that dam apart.</p> <p>12 COMMISSIONER SCHERRER: Okay. Is there</p> <p>13 anything else?</p> <p>14 MR. RAWSON: No, not -- not right now.</p> <p>15 COMMISSIONER SCHERRER: Are there questions</p> <p>16 for this citizen?</p> <p>17 All right. Thank you, sir.</p> <p>18 MR. RAWSON: You're welcome.</p> <p>19 COMMISSIONER SCHERRER: Other citizens</p> <p>20 wishing to be heard that are opposed to the project?</p> <p>21 Please come forward. State your name,</p> <p>22 address, and that you have been sworn.</p> <p>23 MR. MEYER: My name is Martin Meyer. My</p> <p>24 address is 5600 Stillwater Acres, De Soto, 63020. I</p> <p>25 have been sworn.</p>

<p style="text-align: right;">Page 50</p> <p>1 COMMISSIONER SCHERRER: Thank you.</p> <p>2 MR. MEYER: Excuse me.</p> <p>3 One thing besides what I have to say is</p> <p>4 that we were just looking at your paperwork that they</p> <p>5 had on the board. He's saying a 1-acre, the paper</p> <p>6 shows about 2, 2 1/2 acres?</p> <p>7 MR. RAWSON: 2.1 acres.</p> <p>8 MR. MEYER: 2.1 acre lake, which is double</p> <p>9 what he just said in his conversation.</p> <p>10 One of the -- well, there's a couple main</p> <p>11 things that concern me. I'm on the -- the bottom --</p> <p>12 like our -- my property, I have 60 acres and a home</p> <p>13 and a barn and everything, and it -- as you go north,</p> <p>14 you come to the petitioner's property, his 40 acres,</p> <p>15 okay. My line is on the creek where and -- and I</p> <p>16 cross this creek. It's a, what you call, I guess, a</p> <p>17 low-water crossing. And I've been there probably</p> <p>18 longer than any but I been there close to 40 years.</p> <p>19 And I have seen so much water come down through here</p> <p>20 in such force that nobody could believe it unless they</p> <p>21 came when it was happening.</p> <p>22 And where I cross, you know, it'll -- the</p> <p>23 rain will come like it does, go through, and then --</p> <p>24 and then it goes down. But as it comes down this</p> <p>25 creek, it comes and I -- I dip through, this is so</p>	<p style="text-align: right;">Page 52</p> <p>1 around crying wolf and the sky is falling but I don't</p> <p>2 want to die because somebody else decided they're</p> <p>3 going to excavate and do everything they want to do</p> <p>4 without talking to your commission and your permit</p> <p>5 people or even me.</p> <p>6 I don't -- I've never met the people back</p> <p>7 there. I don't know much about it except that, you</p> <p>8 know, everything comes down where I'm at and as --</p> <p>9 COMMISSIONER SCHERRER: You have about --</p> <p>10 you have about 30 seconds left, sir.</p> <p>11 MR. MEYER: Okay. Yeah, as it pass -- you</p> <p>12 know, as it passes me, that's bad enough but it goes</p> <p>13 right into the other neighbor across the creek. They</p> <p>14 have like an artesian well right there; if that comes</p> <p>15 down and blocks all that up when that breaks, and I'm</p> <p>16 assured it will, you know, we all lose for their --</p> <p>17 for their lake, so --</p> <p>18 COMMISSIONER SCHERRER: Okay.</p> <p>19 MR. MEYER: -- to me, it's a life-and-death</p> <p>20 thing in my behalf if I can't get out like any of yous</p> <p>21 wouldn't want to be trapped.</p> <p>22 COMMISSIONER SCHERRER: Right.</p> <p>23 MR. MEYER: And I'd just ask you to take</p> <p>24 that in consideration.</p> <p>25 COMMISSIONER SCHERRER: Thank you.</p>
<p style="text-align: right;">Page 51</p> <p>1 hard but as it narrow -- narrows right there where I</p> <p>2 cross and any kind of huge rock, debris, anything from</p> <p>3 that can come down through there. Well, normally, you</p> <p>4 have -- that's bad enough, it goes through and it'll</p> <p>5 go on down toward the bigger rivers at like another</p> <p>6 900 feet or so further down than where I cross. But</p> <p>7 if that dam and the problems with all this excavation</p> <p>8 in there comes down through there and blocks this --</p> <p>9 this hole, I can't get out. It's my only way out.</p> <p>10 I've had a lot of health -- health issues.</p> <p>11 I had my mother, who passed away, living there who had</p> <p>12 to get in and out for the doctor all the time and that</p> <p>13 was very concerning that, you know, they, evidently,</p> <p>14 from what I understand have done this excavation. And</p> <p>15 as I had to kind of enjoy Mr. Sparks' analogy of it:</p> <p>16 They don't come to ask permission; they come to ask</p> <p>17 forgiveness. And I've heard in other ways people say,</p> <p>18 well, do what you gotta do and then, you know, let</p> <p>19 them try to figure out how to fix it.</p> <p>20 Well, if -- if I can't get out because I</p> <p>21 can't get across from what they do in that, I don't</p> <p>22 see any way from what I've seen there all these years,</p> <p>23 that that cannot break that through and come down and</p> <p>24 jam right exactly where I cross that it couldn't cost</p> <p>25 me my life. And I'm not one of these people that run</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. MEYER: Thank you.</p> <p>2 COMMISSIONER SCHERRER: Are there questions</p> <p>3 for this citizen?</p> <p>4 MR. MEYER: Oh, I'm sorry.</p> <p>5 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>6 Other citizens wishing to be heard that are</p> <p>7 opposed to this project?</p> <p>8 Other citizens wishing to be heard that are</p> <p>9 opposed to the project?</p> <p>10 Would the petitioner please come back?</p> <p>11 So we had failure of the dam.</p> <p>12 Is there a dam in place?</p> <p>13 And the acre discrepancy, which I</p> <p>14 understood the acreage -- acre discrepancy. The 2.18</p> <p>15 acres was the total land clearing.</p> <p>16 MR. FRIBIS: It's a land disturbance area,</p> <p>17 yes.</p> <p>18 COMMISSIONER SCHERRER: The actual body of</p> <p>19 water, you're claiming, is only an acre?</p> <p>20 MR. FRIBIS: That's right. And that's</p> <p>21 illustrated on --</p> <p>22 COMMISSIONER SCHERRER: Okay.</p> <p>23 MR. FRIBIS: -- on the plan with a bunch of</p> <p>24 blue dots.</p> <p>25 COMMISSIONER SCHERRER: Sure.</p>

<p style="text-align: right;">Page 54</p> <p>1 MR. FRIBIS: So, I mean, they're -- they're</p> <p>2 right about the 2 acres and I'm right about the --</p> <p>3 the 1 acre.</p> <p>4 COMMISSIONER SCHERRER: Right.</p> <p>5 Okay. Is there a dam in place currently?</p> <p>6 MR. FRIBIS: Yes.</p> <p>7 COMMISSIONER SCHERRER: Okay. Who is</p> <p>8 ensuring that the keyway and all of that stuff is</p> <p>9 being done properly?</p> <p>10 MR. FRIBIS: I'm -- it's not going to be me</p> <p>11 on the dam itself, you know, like the core is what</p> <p>12 you're talking about when you say the keyway. And I</p> <p>13 wasn't there when it was built and I don't have any</p> <p>14 knowledge about that.</p> <p>15 What I can speak to is the spillway that I</p> <p>16 designed that would be required to get rid of all the</p> <p>17 water that the people are -- that the gentlemen are</p> <p>18 talking about because they're right. I mean, there's</p> <p>19 a lot of -- it's a big creek. A lot of water comes</p> <p>20 down that creek. The top of bank, the existing creek</p> <p>21 both above the lake and below the lake is about</p> <p>22 30 feet from top of bank to top of bank. The spillway</p> <p>23 that I'm putting in is going to be a trapezoidal</p> <p>24 channel on the side of the dam and I'm -- I needed to</p> <p>25 make that 60 feet wide, so twice the width of the</p>	<p style="text-align: right;">Page 56</p> <p>1 erosion devices proposed but the county Stormwater</p> <p>2 Department has put a stop work order on the project.</p> <p>3 And I understand that in part but they need to let</p> <p>4 them go in and put up the siltation fences so that we</p> <p>5 don't have an ongoing problem. It's kind of another</p> <p>6 issue, not really a decision that you guys would make</p> <p>7 but I want to let you know that we are aware of that</p> <p>8 and I have talked to Mike Cook about lifting the</p> <p>9 current stop work order 'cause it's actually making</p> <p>10 things worse. We need to get in there. When I say</p> <p>11 we, the owner and his contractor, if he has one, they</p> <p>12 need to get in there and finish the project as soon as</p> <p>13 possible so it's kind of a side issue. I'm sorry.</p> <p>14 It's the stream, again, the stream buffer</p> <p>15 is all we really want the variance for tonight.</p> <p>16 That's what we've applied for and I didn't know --</p> <p>17 Jason -- did Jason leave?</p> <p>18 COMMISSIONER SCHERRER: I'm sorry?</p> <p>19 MR. FRIBIS: The Public Works director?</p> <p>20 MR. KEHM: No, he's not here.</p> <p>21 MS. KUENZEL: He's not here.</p> <p>22 MR. FRIBIS: Oh, I thought somebody spoke</p> <p>23 but, okay. Well, you know, those issues I -- I will</p> <p>24 probably end up working out more of that with Jason</p> <p>25 because the Stormwater Department and, also, Craig</p>
<p style="text-align: right;">Page 55</p> <p>1 existing creek to get rid of all that water. So,</p> <p>2 certainly -- and five minutes after I learned about</p> <p>3 the project, I knew we've got to figure out how much</p> <p>4 water's coming in. We went to the USGS, got their</p> <p>5 data and I've designed that spillway accordingly.</p> <p>6 But your first part of your question about</p> <p>7 the core of the dam, I don't do that work. I don't</p> <p>8 feel that I'm qualified. I'm not -- I worked on a lot</p> <p>9 of dams but more the periphery not the soil compaction</p> <p>10 and the core and all those things. So we would -- I</p> <p>11 would advise my client to certainly do that.</p> <p>12 And the dam is a little too high, right</p> <p>13 now, anyway because I -- as I mentioned before in my</p> <p>14 presentation, I gotta keep that water level low enough</p> <p>15 even when the -- we have a big storm so it doesn't</p> <p>16 back up on our upstream neighbor. And I have to lower</p> <p>17 the dam, actually, 2 feet to make that happen.</p> <p>18 So although, again, we're here tonight just</p> <p>19 to get the stream buffer variance, which I thought</p> <p>20 would be pretty obvious, the other issues that are</p> <p>21 brought up by the gentlemen and that you're referring</p> <p>22 to are legitimate and that needs to be done over the</p> <p>23 next month or two to make the project go.</p> <p>24 Now, in the interim there's other work that</p> <p>25 needs to done. I have a lot of siltation devices and</p>	<p style="text-align: right;">Page 57</p> <p>1 Burgard don't have much knowledge about the</p> <p>2 hydraulics. Craig has our stuff. He's a floodplain</p> <p>3 manager but when it comes to the spillway it's a lot</p> <p>4 of complicated open-channel hydraulic calculations</p> <p>5 that you'd have to do on that and -- and I know how to</p> <p>6 do it but I think Jason might be the only person in</p> <p>7 the county that understands that and can review our</p> <p>8 work. And I'm happy to have his participation on</p> <p>9 that, believe me.</p> <p>10 COMMISSIONER SCHERRER: So if the -- if the</p> <p>11 petitioner would have known the proper way to start</p> <p>12 this project, if they would have gotten their</p> <p>13 floodplain permit and their land disturbance permit,</p> <p>14 these stream buffer issues would have come to light a</p> <p>15 lot sooner, probably cause a lot less headache, and a</p> <p>16 lot of these questions would have been answered during</p> <p>17 that process, and then all you would be here for was</p> <p>18 your -- was your variance request.</p> <p>19 I think these other issues cause concern</p> <p>20 and questions for the commissioners. I'll leave that</p> <p>21 to them to address. Maybe -- maybe -- maybe I'm the</p> <p>22 only one, I -- I don't know.</p> <p>23 Are there other questions for the</p> <p>24 petitioner?</p> <p>25 COMMISSIONER BOWERS: So I just want to</p>

<p style="text-align: right;">Page 58</p> <p>1 state that we're really not here to talk about a</p> <p>2 permit for a lake or building a lake or anything like</p> <p>3 that; we're here to -- and I would like -- I would</p> <p>4 like Mr. Cordes' opinion on that to make sure so we</p> <p>5 understand we're -- we're not here talking about a --</p> <p>6 a permit to build a lake or do anything like that.</p> <p>7 We're here about a variance for this stream buffer.</p> <p>8 MR. CORDES: That's correct. And, again,</p> <p>9 as I said earlier, the Stormwater Division has</p> <p>10 recommended a temporary denial which is problematic.</p> <p>11 I don't really know what that is. If you want to deny</p> <p>12 it, just deny it, right; or a continuance, which</p> <p>13 you've got -- we've discussed is also kind of (a) not</p> <p>14 really something we have a lot of precedent for and</p> <p>15 (b) somewhat, you know, problematic.</p> <p>16 And your other options are if you were</p> <p>17 inclined to, you know, approve this -- and, yes,</p> <p>18 you're correct, Mr. Bowers, we are just talking about</p> <p>19 the -- the -- the buffers -- but if you were inclined</p> <p>20 to approve it, I mean, it will certainly have to be</p> <p>21 with the conditions that these other permits get</p> <p>22 obtained and any other best management practices that</p> <p>23 the county Stormwater Division would -- would require,</p> <p>24 as probably a minimum the conditions that you would</p> <p>25 want to put on it if you were so inclined to do that.</p>	<p style="text-align: right;">Page 60</p> <p>1 technically, the issue of lake or no lake is not in</p> <p>2 front of you, that is practically what -- what you're</p> <p>3 here to decide.</p> <p>4 COMMISSIONER BOWERS: Thank you.</p> <p>5 MR. FRIBIS: And I might add -- and I think</p> <p>6 your concerns about what happens in the future concern</p> <p>7 me too. You gotta get all that done. But I think I</p> <p>8 mentioned earlier that the county is in receipt of</p> <p>9 \$70,000 to guarantee that improvement. I don't think</p> <p>10 they're going to walk away from 70 grand. So that was</p> <p>11 something that was requested of my client and they've</p> <p>12 got the money, you know, I wasn't -- I wasn't part of</p> <p>13 that but I know the county has \$70,000.</p> <p>14 So I think, like Mr. Kehm just said, we're</p> <p>15 here for the stream buffer. It's -- it's a sit --</p> <p>16 I've never had a situation like this. It's weird.</p> <p>17 We're trying to get a stream buffer; it's like if you</p> <p>18 went to Bagnell Dam and wanted to get a stream buffer</p> <p>19 on the Osage River now. I mean, it's not -- it</p> <p>20 doesn't make sense. There's no -- we've had so much</p> <p>21 trouble because there's nothing in the regulations</p> <p>22 that really cover a unique situation like this. But</p> <p>23 help us go to the next step and that is just to get</p> <p>24 this little piece.</p> <p>25 In a way, it's really insignificant from a</p>
<p style="text-align: right;">Page 59</p> <p>1 But, obviously, that leaves you with the problem is</p> <p>2 you're kind of hanging out there with this approval,</p> <p>3 right, until we get this -- these other items. If</p> <p>4 you, again, if you are inclined --</p> <p>5 MS. KUENZEL: If they get them.</p> <p>6 MR. CORDES: Yeah, if they get them, right,</p> <p>7 so.</p> <p>8 MR. KEHM: Just -- just real quick to</p> <p>9 follow up on that, I mean, yes and no. If you were to</p> <p>10 deny this then that stream must stay exactly where it</p> <p>11 is; the banks have to go back where they were and</p> <p>12 there is no lake, right. So, I mean, while you're</p> <p>13 only here to dis -- decide whether you should issue a</p> <p>14 stream buffer -- or variance or not, the -- the</p> <p>15 practical effect of not giving them the variance is</p> <p>16 that lake can't go there at least as it's -- as it's</p> <p>17 been designed as of yet. And, I mean, that may be</p> <p>18 something you should consider.</p> <p>19 I mean, I understand Mr. Fribis' position</p> <p>20 is why are we worrying about a stream buffer variance;</p> <p>21 there's going to be a lake there. Well, because</p> <p>22 there's a stream there today, honestly. The only</p> <p>23 reason that it's not going to be there is 'cause it's</p> <p>24 going to be obliterated by all the work that's already</p> <p>25 been done out there. So, yeah, while -- while,</p>	<p style="text-align: right;">Page 61</p> <p>1 -- a construction point of view but in terms of their</p> <p>2 confidence for moving ahead, it would really be</p> <p>3 helpful to, I think, everybody involved to get that</p> <p>4 variance tonight.</p> <p>5 And as the gentleman mentioned here,</p> <p>6 there's a lot of water and we're paying a lot of</p> <p>7 attention to how much water comes down that creek and</p> <p>8 how it impacts the downstream property owners.</p> <p>9 Overall, it's going to be the same amount of water.</p> <p>10 The watershed hasn't changed at all. And more often</p> <p>11 than not, the lake will act as a detention basin that</p> <p>12 when we have that big, giant storm then it will start</p> <p>13 coming out the spillway. And I can calculate all that</p> <p>14 and determine that it would be safe for the downstream</p> <p>15 property owners. But that's not tonight. That will</p> <p>16 be over the next month or two when we get into that</p> <p>17 sort of detail. So I just want to get started tonight</p> <p>18 so we can move ahead. I think that's all I have</p> <p>19 unless you have any other questions.</p> <p>20 MR. CORDES: And, of course, as all the</p> <p>21 commissioners know, I mean, obviously, the applicant</p> <p>22 could always withdraw and resubmit, so.</p> <p>23 MS. KUENZEL: Yeah. And when we mean that,</p> <p>24 you know, if they were to withdraw and to go through</p> <p>25 the proper procedure which is to get the floodplain</p>

<p style="text-align: right;">Page 62</p> <p>1 permit issued, to get the land disturbance permit</p> <p>2 application issued then that would come in front of</p> <p>3 you guys but it's backwards how this was done.</p> <p>4 MR. FRIBIS: Yeah.</p> <p>5 MS. KUENZEL: I mean, it just is not --</p> <p>6 MR. FRIBIS: Yeah, we -- we --</p> <p>7 MS. KUENZEL: -- the appropriate way to do</p> <p>8 it.</p> <p>9 MR. FRIBIS: We had to deal with --</p> <p>10 MS. KUENZEL: No.</p> <p>11 MR. FRIBIS: -- what was -- when I got</p> <p>12 involved it was -- the project was already happen --</p> <p>13 MS. KUENZEL: Well, I'll tell you why this</p> <p>14 is a -- this is a back -- this is the backwards way of</p> <p>15 doing this.</p> <p>16 COMMISSIONER SCHERRER: Which -- which is</p> <p>17 exactly my concern. I am -- I am fully aware that</p> <p>18 this is a variance request and that we have really no</p> <p>19 authority over the -- the permitting or the land</p> <p>20 disturbance but we -- and I'm not going to try to</p> <p>21 quote our bylaws but we do have a responsibility for</p> <p>22 risk and human life. And if you would like to quote</p> <p>23 that subsection, I'd be happy to listen but...</p> <p>24 MR. CORDES: Well, health, safety, and</p> <p>25 welfare is what you're -- what you're driving at, I</p>	<p style="text-align: right;">Page 64</p> <p>1 don't know how enforceable it would be from this --</p> <p>2 from the Planning and Zoning Commission but,</p> <p>3 certainly, we intend on doing that so I would have no</p> <p>4 problem with a condition that says this variance</p> <p>5 request assumes that we're going to move ahead with</p> <p>6 the -- the entire lake and finish the project in</p> <p>7 accordance with all the -- all the requirements.</p> <p>8 Also, one other kind of unimportant thing,</p> <p>9 as you mentioned the land disturbance permit, we</p> <p>10 already have the land disturbance permit and have paid</p> <p>11 for it from the State of Missouri.</p> <p>12 MS. KUENZEL: County one.</p> <p>13 MR. FRIBIS: But anyway.</p> <p>14 MS. KUENZEL: You need a county one.</p> <p>15 MR. FRIBIS: I don't know what to do,</p> <p>16 actually.</p> <p>17 MS. KUENZEL: You need a county one.</p> <p>18 There's a -- it references the county.</p> <p>19 MR. FRIBIS: Okay. Well, I've submitted</p> <p>20 the county one, also.</p> <p>21 COMMISSIONER SCHERRER: I believe we still</p> <p>22 -- we still go back to my earlier comment that there</p> <p>23 is no guarantee, even by your own words --</p> <p>24 MR. FRIBIS: Right.</p> <p>25 COMMISSIONER SCHERRER: -- that this</p>
<p style="text-align: right;">Page 63</p> <p>1 believe.</p> <p>2 COMMISSIONER SCHERRER: That's exact --</p> <p>3 absolutely right.</p> <p>4 And had this been done in a proper way, I</p> <p>5 assume that someone from the Stormwater Division or</p> <p>6 the county offices would have been involved in this</p> <p>7 process to inspect the progress to make sure that the</p> <p>8 key components of this -- of this dam were built</p> <p>9 correctly. We have no guarantee that this was done</p> <p>10 correctly. We're -- you're asking us, not you, but</p> <p>11 you're asking us to approve a variance that,</p> <p>12 ultimately, leads to a project that could potentially</p> <p>13 fail and cause loss of life or limb in the first large</p> <p>14 rain event.</p> <p>15 MR. FRIBIS: I understand that.</p> <p>16 COMMISSIONER SCHERRER: I -- I know. And</p> <p>17 I'm not trying to be --</p> <p>18 MR. FRIBIS: Yeah.</p> <p>19 COMMISSIONER SCHERRER: -- combative with</p> <p>20 you --</p> <p>21 MR. FRIBIS: I know.</p> <p>22 COMMISSIONER SCHERRER: -- Mr. Fribis.</p> <p>23 MR. FRIBIS: I know you're not.</p> <p>24 I would just ask -- I think Mr. Cordes</p> <p>25 might have mentioned something about maybe -- I -- I</p>	<p style="text-align: right;">Page 65</p> <p>1 project was started correctly and we have no way to be</p> <p>2 sure of that. So we could say, yes, we approve this</p> <p>3 variance request on this stream buffer with the</p> <p>4 departmental comments and all of the permits being</p> <p>5 granted and everything else --</p> <p>6 MR. FRIBIS: Uh-huh.</p> <p>7 COMMISSIONER SCHERRER: -- and we're still</p> <p>8 building on a foundation that we don't know -- you're</p> <p>9 moving from this day forward on a project that you</p> <p>10 yourself aren't even sure is correct.</p> <p>11 MR. FRIBIS: Okay. My question then would</p> <p>12 be this, in terms of timing and how this is done, who</p> <p>13 will make that determination about the acceptability</p> <p>14 of the dam?</p> <p>15 I'm assuming the way you're headed maybe</p> <p>16 the departments will say you gotta take it all out and</p> <p>17 you gotta put it back in and we have to have a</p> <p>18 geotechnical engineer, which would not be me, certify</p> <p>19 that it's compacted, etc., etc. So if that's going to</p> <p>20 happen anyway, and it needs to happen for my clients'</p> <p>21 benefit, is that -- can that -- can we still move</p> <p>22 ahead tonight with that condition?</p> <p>23 'Cause it's not going to be this body that</p> <p>24 approves -- approves the dam construction and I don't</p> <p>25 even know who would do that. I don't think there's</p>

<p style="text-align: right;">Page 66</p> <p>1 any person in the county government that has that</p> <p>2 expertise but the Stormwater Department can certainly</p> <p>3 require that the owner get a geotechnical engineer to</p> <p>4 verify the stability of the dam. I mean, that makes</p> <p>5 -- just makes sense for my client.</p> <p>6 COMMISSIONER SCHERRER: Absolutely. Yeah.</p> <p>7 COMMISSIONER BOWERS: I mean, is there --</p> <p>8 is there a guarantee that the floodplain permit and</p> <p>9 the land disturbance permit will be issued?</p> <p>10 The only thing I can say if they're -- you</p> <p>11 know, you can make the -- have this variance approved</p> <p>12 and then...</p> <p>13 MR. KEHM: No. I mean, no, they're</p> <p>14 going --</p> <p>15 COMMISSIONER BOWERS: Okay.</p> <p>16 MR. KEHM: -- if those permits are, in</p> <p>17 fact, applied for they're going to have to meet the</p> <p>18 county's code.</p> <p>19 I wish I had my microphone. It's got me</p> <p>20 all out of sorts.</p> <p>21 They will have to meet the county's</p> <p>22 ordinances and codes. Now, whether that can be done</p> <p>23 or not, we don't know. And I don't want to belabor</p> <p>24 the point but I think we need to keep sight of the</p> <p>25 fact that -- and, again, I don't want to quarrel with</p>	<p style="text-align: right;">Page 68</p> <p>1 COMMISSIONER HUSKEY: I have a question for</p> <p>2 the counselors. What's the requirements if they put</p> <p>3 up the \$70,000 bond?</p> <p>4 MR. FRIBIS: What are the requirements?</p> <p>5 COMMISSIONER HUSKEY: Well, I think they</p> <p>6 need to answer.</p> <p>7 MR. CORDES: This is the first I've heard</p> <p>8 of the -- I mean, there may be guarantee agreements</p> <p>9 and things like that in the code.</p> <p>10 COMMISSIONER HUSKEY: Yeah.</p> <p>11 MR. CORDES: And I'm presuming that that's</p> <p>12 what Mr. Fribis is referring to but this is the first</p> <p>13 I've heard of the --</p> <p>14 MR. FRIBIS: Yeah.</p> <p>15 MR. CORDES: -- the \$70,000 either cash</p> <p>16 guarantee or bond. I don't know -- I don't know what</p> <p>17 you want to --</p> <p>18 MR. KEHM: That -- that is the --</p> <p>19 MR. CORDES: Yeah.</p> <p>20 MR. KEHM: -- cash guarantee or security</p> <p>21 for the land disturbance permit that they've applied</p> <p>22 for.</p> <p>23 MR. FRIBIS: Yes, it's not a bond.</p> <p>24 MR. KEHM: So any land disturbance permit</p> <p>25 requires --</p>
<p style="text-align: right;">Page 67</p> <p>1 Mr. Fribis either but if the argument is that it's</p> <p>2 silly to maintain a stream buffer where there's going</p> <p>3 to be a lake, well, maybe there shouldn't be a lake</p> <p>4 because the stream buffer should be protected there,</p> <p>5 right. I mean, and again, I think that's really,</p> <p>6 ultimately, what question is in front of you folks</p> <p>7 tonight.</p> <p>8 A lot of work has already been done, a</p> <p>9 whole lot of work, that's either going to have to be</p> <p>10 repaired and done correctly, whatever correctly means,</p> <p>11 or it's going to have to be remediated and put back</p> <p>12 the way that it was before this all happened. I mean,</p> <p>13 one of those two things is going to happen but, you</p> <p>14 know, I -- I think we shouldn't lose sight of the fact</p> <p>15 that, ultimately, what -- what we're doing here is</p> <p>16 should this stream stay the way that it was, is/was,</p> <p>17 or should the variance be granted and allowed to be</p> <p>18 dammed up and a lake created. That's really -- I</p> <p>19 mean, I know we're trying to avoid saying those words</p> <p>20 but that's what we're here to decide tonight.</p> <p>21 COMMISSIONER SCHERRER: Is there anything</p> <p>22 else you'd like to add?</p> <p>23 MR. FRIBIS: No.</p> <p>24 COMMISSIONER SCHERRER: Other questions for</p> <p>25 this -- yes.</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. FRIBIS: They wrote a check.</p> <p>2 MR. KEHM: -- financial guarantee to ensure</p> <p>3 that they (a) do all the things that they're supposed</p> <p>4 to during construction and then remediate the site at</p> <p>5 the end of it, whatever -- whatever that particular</p> <p>6 job calls for. So every applicant for a land</p> <p>7 disturbance permit has to put forward some type of</p> <p>8 security.</p> <p>9 COMMISSIONER HUSKEY: So they did get the</p> <p>10 land disturbance permit?</p> <p>11 MR. KEHM: No, that's --</p> <p>12 MR. FRIBIS: We got -- we got it from the</p> <p>13 state.</p> <p>14 COMMISSIONER HUSKEY: You got it from the</p> <p>15 state?</p> <p>16 MR. FRIBIS: We got it from the state.</p> <p>17 COMMISSIONER HUSKEY: The county got the</p> <p>18 money.</p> <p>19 MR. FRIBIS: Yeah, right.</p> <p>20 MR. KEHM: Well, no, no, no. No, no, no.</p> <p>21 (Overlapping conversation)</p> <p>22 MR. FRIBIS: (Inaudible).</p> <p>23 MR. KEHM: There's a State of Missouri land</p> <p>24 disturbance permit that has very minimal requirements</p> <p>25 and then there's the county land disturbance permit.</p>

<p style="text-align: right;">Page 70</p> <p>1 COMMISSIONER HUSKEY: So whose got the 2 \$70,000? 3 MR. KEHM: The county -- 4 MR. FRIBIS: The county. 5 MR. KEHM: -- which is what Mr. Fribis is 6 saying. That's -- they pay that with their 7 application. That application has not been -- been 8 approved, issued, or anything; it's just sitting there 9 'cause it's not going to get approved depending on 10 what happens here tonight. 11 COMMISSIONER HUSKEY: You may have cleaned 12 up the muddy water. 13 MR. KEHM: It's very muddy water if you 14 would see that site out there right now. 15 COMMISSIONER HUSKEY: Yeah, that's what I'm 16 saying. 17 COMMISSIONER SCHERRER: Is there any -- is 18 there any way in which your petitioner withdraws the 19 application until some of this stuff is sorted out? 20 MR. FRIBIS: Well, if you say that's the 21 only path, I would say he will -- you know, he would 22 do it. 23 COMMISSIONER SCHERRER: Well, you have that 24 option as the petitioner's representative, I guess, to 25 either withdraw or we move for a vote of approval or</p>	<p style="text-align: right;">Page 72</p> <p>1 MS. KUENZEL: Okay. Just on the 70, you 2 can get that back if this gets denied, just I'm 3 letting you know that. 4 MR. FRIBIS: I guess so. I don't know. 5 You're the attorney but I would think so. 6 MS. KUENZEL: Uh-huh. 7 MR. FRIBIS: But then there's still going 8 to be some remedial work that's going to have to be 9 done out there because right now, as it sits, the 10 creek is pretty much gone so I don't know. I've never 11 been in this situation before and I understand all the 12 concerns. All I want's that little bit to get us to 13 the next step which is to finish the project which is 14 really in the best interest of everyone. 15 COMMISSIONER BOWERS: So I have a question 16 again. So if this is deny -- is denied and they go 17 forth with the permit, the permit could be approved 18 with the condition that this comes back before us; is 19 that -- 20 COMMISSIONER SCHERRER: Explain that; would 21 you please, Dennis? 22 COMMISSIONER BOWERS: Am I -- am I -- 23 MR. KEHM: So -- 24 COMMISSIONER BOWERS: -- 'cause you said 25 here -- I think you said if this variance is denied,</p>
<p style="text-align: right;">Page 71</p> <p>1 denial. 2 MR. FRIBIS: I would prefer that given the 3 fact that there's \$70,000 that you have in your bank 4 account now someplace that we could at least get what 5 I came here for tonight with just the stream buffer 6 and you can make that contingent upon and it's kind of 7 automatically contingent upon all the other things 8 we've talked about 'cause we've got to get a permit 9 from Public Works Department for a number of things 10 that are not on the agenda for tonight so it's not 11 like we're done, it's finish construction, you know, 12 next Monday. There is -- we're several months away. 13 COMMISSIONER SCHERRER: Okay. 14 MR. FRIBIS: So if you can give us just a 15 little bit of leeway given the fact that we -- we know 16 a lot about the situation; we understand that we've 17 got obligations to the downstream property owners; and 18 you have money that has been put up by the owner to 19 guarantee improvements, well, maybe guarantee the 20 improvements is the wrong word, but you got \$70,000, 21 whatever that pays for which is a number that the 22 county actually came up with. They originally wanted 23 \$118,000. My client objected to that but they took -- 24 county took 70. I wasn't part of that discussion but 25 I just know that's true.</p>	<p style="text-align: right;">Page 73</p> <p>1 then they gotta put it back together and it's done. 2 MR. KEHM: Right. Because they cannot -- 3 they cannot -- if this per -- if this variance is 4 denied then they cannot disturb that stream buffer, 5 correct? 6 COMMISSIONER BOWERS: Right. 7 MR. KEHM: And -- 8 COMMISSIONER BOWERS: Which they've already 9 done? 10 MR. KEHM: They have already done that. 11 COMMISSIONER BOWERS: Okay. 12 MR. KEHM: And if this permit is denied or, 13 I'm sorry, this variance is denied then they're going 14 to have to remediate what they have done out there. 15 And if they don't do it then we're going to take the 16 -- I shouldn't say we, the county -- Public Works 17 Department is going to take that money and it's going 18 to do it and get it back the way it was as best they 19 can. That's why that financial guarantee is there, 20 right. 21 So I would -- the issue is going to be if 22 -- if -- if we say, well, we're going to approve it 23 contingent on getting this permit and that permit, 24 those permits are not going to be issued until this 25 matter is decided. Now, you can get -- get it further</p>

<p style="text-align: right;">Page 74</p> <p>1 down the road and get them to the point where the only</p> <p>2 outstanding matter is whether or not the stream buffer</p> <p>3 is going to be varied or not. But Public Works will</p> <p>4 not issue that land disturbance permit and we will not</p> <p>5 issue that floodplain development permit as long as</p> <p>6 that stream buffer still exists and there's no</p> <p>7 variance to it. Does that make sense?</p> <p>8 COMMISSIONER BOWERS: Yes, sir.</p> <p>9 MR. KEHM: 'Cause we're not going to</p> <p>10 violate the -- the county's ordinance until you all</p> <p>11 have -- have had a chance to decide that.</p> <p>12 Now, we can get them and they -- they can</p> <p>13 get up right to that point and I don't think they're</p> <p>14 there yet. I think there's a lot of work that still</p> <p>15 needs to be done. But, ultimately, we're going to</p> <p>16 land back here and we're going to be having the same</p> <p>17 exact conversation should they be allowed to dam that</p> <p>18 creek up or not.</p> <p>19 COMMISSIONER SCHERRER: Other questions?</p> <p>20 Other comments?</p> <p>21 Motion to approve or deny or something</p> <p>22 else?</p> <p>23 COMMISSIONER SPARKS: I'd like to make a</p> <p>24 motion to deny. I had the number here in front of me</p> <p>25 but I lost it now. Chairman?</p>	<p style="text-align: right;">Page 76</p> <p>1 COMMISSIONER SPARKS: Yes.</p> <p>2 MS. ROESCH: Jessie Scherrer.</p> <p>3 COMMISSIONER SCHERRER: Yes.</p> <p>4 MS. ROESCH: Motion for denial carries.</p> <p>5 COMMISSIONER SCHERRER: 5:1?</p> <p>6 MS. ROESCH: 5:1.</p> <p>7 COMMISSIONER SCHERRER: VR24014 is denied</p> <p>8 by a vote of 5:1.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 75</p> <p>1 VR24014, motion for a denial.</p> <p>2 COMMISSIONER SCHERRER: Commissioner Sparks</p> <p>3 -- Commissioner Sparks made a motion to deny VR24014.</p> <p>4 Is there a second?</p> <p>5 COMMISSIONER ADKINS: Second.</p> <p>6 COMMISSIONER SCHERRER: Commissioner Adkins</p> <p>7 -- Adkins seconded the denial of VR24014.</p> <p>8 All in favor say aye.</p> <p>9 COMMISSIONER: Aye.</p> <p>10 COMMISSIONER SCHERRER: Opposed?</p> <p>11 COMMISSIONER HUSKEY: I oppose.</p> <p>12 COMMISSIONER SCHERRER: Madam Secretary,</p> <p>13 will you please call roll?</p> <p>14 And a yes vote is for denial; a no vote is</p> <p>15 for approval.</p> <p>16 MS. ROESCH: Danny Tuggle.</p> <p>17 COMMISSIONER TUGGLE: Yes.</p> <p>18 Sorry. Yes.</p> <p>19 MS. ROESCH: Mike Huskey.</p> <p>20 COMMISSIONER HUSKEY: No.</p> <p>21 MS. ROESCH: Greg Bowers.</p> <p>22 COMMISSIONER BOWERS: Yes.</p> <p>23 MS. ROESCH: Larry Adkins.</p> <p>24 COMMISSIONER ADKINS: Yes.</p> <p>25 MS. ROESCH: Johnathan Sparks.</p>	<p style="text-align: right;">Page 77</p> <p>1 COMMISSIONER SCHERRER: Reports to the</p> <p>2 Commission.</p> <p>3 MR. KEHM: Just very briefly. Our next</p> <p>4 meeting is April the 25th.</p> <p>5 Is that correct, Elaine?</p> <p>6 MS. ROESCH: Yes.</p> <p>7 MR. KEHM: So we do not have a meeting on</p> <p>8 the first April date so we'll be back here on</p> <p>9 April 25th and that is correct.</p> <p>10 And I know he's going to say a few words</p> <p>11 but on behalf of the planning staff, we want to thank</p> <p>12 Mr. Bowers for his service to the county and for all</p> <p>13 the work that he's put in and he's been a wonderful</p> <p>14 person to work with, he's been very gracious to all of</p> <p>15 our staff and all of our folks so we're going to miss</p> <p>16 him. But, again, thank you for -- for working with</p> <p>17 us. We greatly appreciate it.</p> <p>18 COMMISSIONER BOWERS: Thank you.</p> <p>19 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>20 Citizens to be heard?</p> <p>21 Mr. Bowers?</p> <p>22 COMMISSIONER BOWERS: Thank you,</p> <p>23 Mr. Scherrer, for the opportunity to speak.</p> <p>24 As many of you are aware, this is my last</p> <p>25 meeting. The County Council voted 4:3 on February</p>

<p style="text-align: right;">Page 78</p> <p>1 26th against my nomination for another term.</p> <p>2 I would like to thank Mr. Gannon for the</p> <p>3 nomination and Mr. Haskins, Mr. Seek, and Mr. Stallman</p> <p>4 for their votes of approval.</p> <p>5 To my critics, your closed-minded faction</p> <p>6 is holding the council back. Your personal vendettas</p> <p>7 and self-serving agendas are doing nothing for our</p> <p>8 county.</p> <p>9 I have always approached this position with</p> <p>10 respect and integrity. My decisions were based on the</p> <p>11 evidence presented using the UDO as my guide.</p> <p>12 Although some decisions were not popular, I have</p> <p>13 always tried to have the best interest of the county</p> <p>14 with my vote.</p> <p>15 I do want to thank the county staff for</p> <p>16 their professionalism and job excellence, made this</p> <p>17 position much easier and very enjoyable over my</p> <p>18 tenure. I also want to thank the remaining members of</p> <p>19 the Commission for their dedication to the county,</p> <p>20 your confidence when electing me vice chair, and</p> <p>21 especially your leadership and friendship. I wish you</p> <p>22 all the best. Thank you, all. It has been a</p> <p>23 privilege to serve with you on this Commission. Thank</p> <p>24 you.</p> <p>25 COMMISSIONER SCHERRER: Thank you, sir.</p>	<p style="text-align: right;">Page 80</p> <p>1 had to rely on. I mean, I appreciate what you guys</p> <p>2 have -- all of you have done, every one of you, but</p> <p>3 it just kind of leaves us hanging with a down -- you</p> <p>4 know, all the April storms and rain. I mean, it -- it</p> <p>5 is horrendous what comes down through there so just</p> <p>6 wondering what'll happen before they even try to do</p> <p>7 anything to stop it.</p> <p>8 COMMISSIONER SCHERRER: I wouldn't expect</p> <p>9 to see work crews tomorrow.</p> <p>10 MR. MEYER: Right. Right.</p> <p>11 COMMISSIONER SCHERRER: But I'm sure that</p> <p>12 there's a process that will be followed throughout</p> <p>13 Public Works. I'm sure there's going to be some</p> <p>14 conversations. Like I said, I wouldn't expect to see</p> <p>15 crews tomorrow but unless another application is</p> <p>16 brought forward or something else is done, the land</p> <p>17 should be returned to its original state.</p> <p>18 MR. MEYER: That was my --</p> <p>19 COMMISSIONER SCHERRER: And I don't -- I</p> <p>20 can't tell you if that's going to be next week, next</p> <p>21 month, next year. I can't give you a time on that but</p> <p>22 there is -- there is a process.</p> <p>23 MR. MEYER: Okay. Well, I appreciate what</p> <p>24 you have all done.</p> <p>25 COMMISSIONER SCHERRER: Thank you.</p>
<p style="text-align: right;">Page 79</p> <p>1 And as I may say, it's been -- it's been</p> <p>2 enjoyable serving with you and I'm sorry to see you</p> <p>3 go.</p> <p>4 COMMISSIONER BOWERS: Thank you, sir.</p> <p>5 COMMISSIONER SCHERRER: Other citizens to</p> <p>6 be heard?</p> <p>7 Yes, sir.</p> <p>8 MR. MEYER: Yeah. I'm just wondering</p> <p>9 because of your vote and I've never been through all</p> <p>10 this to know what you do but with that being that you</p> <p>11 denied that --</p> <p>12 COMMISSIONER SCHERRER: Uh-huh.</p> <p>13 MR. MEYER: -- does that mean, now, 'cause</p> <p>14 this is flood season right now, does that mean that</p> <p>15 they need to start putting that back immediately</p> <p>16 because before his house goes and my entry goes?</p> <p>17 COMMISSIONER SCHERRER: I'm going to turn</p> <p>18 my mic on, maybe. I'm going to defer that question to</p> <p>19 Mr. Kehm.</p> <p>20 MR. KEHM: So that will be an issue that's</p> <p>21 dealt with by Public Works and the Stormwater Division</p> <p>22 as to how they go forward here.</p> <p>23 COMMISSIONER SCHERRER: Did that answer</p> <p>24 your question, sir?</p> <p>25 MR. MEYER: Yeah, I just wasn't sure who we</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. MEYER: Thank you.</p> <p>2 COMMISSIONER SCHERRER: Other citizens to</p> <p>3 be heard?</p> <p>4 Barring none, motion to --</p> <p>5 COMMISSIONER TUGGLE: I got something.</p> <p>6 COMMISSIONER SCHERRER: Yes, sir. Please,</p> <p>7 go ahead.</p> <p>8 COMMISSIONER TUGGLE: I been on a lot of</p> <p>9 boards, served with a lot of people. I have never</p> <p>10 worked with anybody that I'd rather work with than</p> <p>11 Mr. Bowers.</p> <p>12 COMMISSIONER SCHERRER: I agree.</p> <p>13 COMMISSIONER BOWERS: Thank you.</p> <p>14 COMMISSIONER TUGGLE: And this was strictly</p> <p>15 political.</p> <p>16 COMMISSIONER SCHERRER: Yes, sir.</p> <p>17 COMMISSIONER TUGGLE: We know it and I</p> <p>18 resign right now. Done.</p> <p>19 COMMISSIONER SCHERRER: Well, Mr. Tuggle,</p> <p>20 I'm sorry you feel that way.</p> <p>21 COMMISSIONER TUGGLE: That's all right.</p> <p>22 COMMISSIONER SCHERRER: I'm sorry to see</p> <p>23 you go.</p> <p>24 COMMISSIONER TUGGLE: It'll just be --</p> <p>25 it'll be me next time.</p>

<p style="text-align: right;">Page 82</p> <p>1 COMMISSIONER SCHERRER: I -- I understand.</p> <p>2 COMMISSIONER TUGGLE: Okay.</p> <p>3 COMMISSIONER SCHERRER: And I agree with</p> <p>4 everything you said.</p> <p>5 COMMISSIONER TUGGLE: Thank you.</p> <p>6 COMMISSIONER BOWERS: Mr. Tuggle, I thank</p> <p>7 you. Thank you but I ask you to reconsider. With</p> <p>8 working with you on this Commission has been one of my</p> <p>9 pleasures and you are a staple to this. I would -- I</p> <p>10 wish you would reconsider that, sir.</p> <p>11 I thank you for your -- for your -- for</p> <p>12 your friendship and everything but, please, I know it</p> <p>13 is hard to get volunteers for this but I wish you</p> <p>14 would please reconsider. Thank you.</p> <p>15 COMMISSIONER TUGGLE: You waiting on me?</p> <p>16 COMMISSIONER SCHERRER: Not necessarily.</p> <p>17 COMMISSIONER BOWERS: No. No.</p> <p>18 COMMISSIONER TUGGLE: Yeah, I will</p> <p>19 reconsider and not resign tonight but --</p> <p>20 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>21 COMMISSIONER TUGGLE: -- I wanted to get</p> <p>22 that out there.</p> <p>23 COMMISSIONER SCHERRER: Thank you, sir.</p> <p>24 COMMISSIONER BOWERS: Thank you.</p> <p>25 COMMISSIONER TUGGLE: I mean, yeah, it's</p>	<p style="text-align: right;">Page 84</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3 I, JENNIFER M. JETT, a Certified Court</p> <p>4 Reporter, in and for the State of Missouri, do hereby</p> <p>5 certify that I was present at the time and place</p> <p>6 hereinbefore set forth; that said proceedings were had</p> <p>7 as appears herein; and that this is a true and</p> <p>8 accurate record of said proceedings.</p> <p>9</p> <p>10 IN TESTIMONY WHEREOF, I have hereunto</p> <p>11 subscribed my name on this 31st day of March, 2024.</p> <p>12</p> <p>13</p> <p>14</p> <p style="text-align: center;">JENNIFER M. JETT, CCR</p> <p style="text-align: center;">MISSOURI CCR NUMBER: 634</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>March 28, 2024,</p> <p>23 Jefferson County Planning and Zoning Meeting</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 83</p> <p>1 crazy.</p> <p>2 COMMISSIONER SCHERRER: Yes, sir.</p> <p>3 COMMISSIONER TUGGLE: Thank you.</p> <p>4 COMMISSIONER SCHERRER: Other citizens to</p> <p>5 be heard?</p> <p>6 Barring none, is there a motion to adjourn?</p> <p>7 COMMISSIONER BOWERS: So moved.</p> <p>8 COMMISSIONER SCHERRER: Attaboy.</p> <p>9 Commissioner Bowers made a motion to</p> <p>10 adjourn; Commissioner Scherrer seconded.</p> <p>11 All in favor?</p> <p>12 COMMISSION: Aye.</p> <p>13 COMMISSIONER SCHERRER: We are adjourned.</p> <p>14 [Adjourned 7:54 p.m.]</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

A	14:4 20:15	71:10	65:20	70:25
abandoned	23:18	agendas 78:7	apart 49:11	75:15 78:4
25:13,17	33:18	ago 34:14,14	appear 16:14	approvals
able 27:20	35:17	agree 81:12	appears 84:7	36:6
30:8 45:17	38:19 60:5	82:3	applicable	approve 8:21
absolutely	67:22	AGREED 4:1	16:24	8:23 9:1,9
63:3 66:6	adding 30:1	agreements	applicant	9:12 11:14
absorbed	addition	68:8	61:21 69:6	36:11,17
19:24	14:8 18:4	ahead 10:5	application	39:8,9
abusive 5:13	37:16	24:3 29:8	4:14,18,25	58:17,20
accept 11:9	additional	42:3 43:20	5:6,17,19	63:11 65:2
acceptab...	5:23 7:19	61:2,18	5:22 6:1,3	73:22
65:13	12:22	64:5 65:22	6:5,10,12	74:21
acceptable	18:18	81:7	6:20,22	approved
15:19	address 4:17	aisles 16:4	7:5,11,18	12:15 14:2
accepted	4:23 5:2,2	allocated	7:21,25,25	15:13,24
11:19	6:9,19	6:11,15,21	26:7,9	42:3 44:16
access 46:11	10:14	7:2	38:13 42:6	66:11 70:8
account 71:4	16:12 19:6	allocation	62:2 70:7	70:9 72:17
accurate	19:9,17	7:16	70:7,19	approves
4:21 84:8	21:9 24:4	allow 4:9	80:15	65:24,24
achieve	26:13,22	29:2	applicat...	approving
26:25	39:21 48:6	allowed 5:25	4:16 40:5	7:24
27:20	48:8 49:22	6:23 21:11	applied	April 10:24
achieving	49:24	33:5 67:17	38:10	11:3 77:4
27:10	57:21	74:17	56:16	77:8,9
acknowledge	addressed	allows 21:10	66:17	80:4
7:9	41:22	amended 11:3	68:21	area 12:10
acre 50:8	addressing	amount 61:9	applies	21:13 22:6
53:13,14	41:23	analogy	12:11	24:15
53:19 54:3	adjourn 83:6	51:15	apply 39:10	27:14
acreage	83:10	analysis	39:11	29:22 32:4
53:14	adjourned	15:7,8,9	41:16	34:7,24
acres 12:11	83:13,14	16:11 38:1	appreciate	37:24
37:14 40:7	Adkins 3:10	38:5	23:22	40:22
40:9 46:20	8:11,12	Ann 19:12	77:17 80:1	46:18
49:24 50:6	9:10,13	answer 6:14	80:23	53:16
50:7,12,14	11:12,15	6:25 20:2	approached	areas 15:20
53:15 54:2	75:5,6,7	42:8 68:6	78:9	argument
act 61:11	75:23,24	79:23	appropriate	67:1
action 7:23	Administ...	answered	16:19,20	Army 42:13
7:23	3:3	57:16	62:7	Arnold 39:25
activities	adopted	anticipated	approval 9:6	artesian
4:7	10:23 11:2	44:19	9:7,17	52:14
activity	advantage	anybody	12:5 16:12	asking 46:16
27:11	33:5	24:24 28:3	17:5,7,8	63:10,11
actual 53:18	advise 55:11	81:10	35:13	asks 4:24
ADA 18:6,9	agenda 4:20	anyway 21:21	36:12	47:6
18:17,20	8:21,23	55:13	43:25	assist 4:13
add 12:21	9:1,6	64:13	44:13 59:2	assume 63:5

assumes 64:5	26:10	77:11	Boulevard	40:12,13
assuming	34:25 41:7	belabor	39:25	40:25 41:1
42:17	43:4 46:10	66:23	boundary	41:8,13,15
44:13	47:5 52:6	believe 18:8	13:20	41:20 42:2
65:15	53:10	38:19	Bowers 3:9	43:18
assured	55:16	50:20 57:9	8:7,8,22	44:13,22
41:10	59:11	63:1 64:21	8:25 9:8	45:19
52:16	62:14	believes	9:11 11:11	55:19
atmosphere	64:22	16:17	11:13 20:5	56:14
33:11	65:17	benefit 33:8	20:9,12	57:14 58:7
Attaboy 83:8	67:11 72:2	65:21	30:14,20	59:14,20
attacks 5:13	72:18 73:1	best 58:22	31:12,23	60:15,17
attendance	73:18	72:14	35:16	60:18 65:3
4:24	74:16 77:8	73:18	36:10,16	67:2,4
attending	78:6 79:15	78:13,22	37:6 44:15	71:5 73:4
9:22	backed 22:2	better 25:16	44:20	74:2,6
attention	background	25:18 35:3	57:25	buffering
61:7	13:24	42:7	58:18 60:4	17:8 34:23
attorney	backing	big 24:17	66:7,15	buffers 40:5
19:15 72:5	22:17 44:4	33:5 54:19	72:15,22	41:3 58:19
audience 5:8	backs 21:24	55:15	72:24 73:6	build 28:25
5:12	43:10	61:12	73:8,11	30:4 46:21
August 10:24	backup 20:21	bigger 51:5	74:8 75:21	48:13 58:6
authority	backwards	bit 12:7	75:22	building
62:19	62:3,14	13:24	77:12,18	12:22 14:4
automati...	backyard	32:15	77:21,22	14:8,14
71:7	41:11	71:15	79:4 81:11	16:5 19:24
available	bad 21:22	72:12	81:13 82:6	22:11,12
15:12	27:14 51:4	blankets	82:17,24	22:15 23:4
Avenue 19:12	52:12	41:24	83:7,9	23:16 25:6
avoid 7:6	Bagnell	blinds 23:14	break 51:23	29:11 30:1
67:19	60:18	blocks 51:8	breaks 52:15	30:2,4,5
aware 56:7	bank 54:20	52:15	brief 5:18	30:11
62:17	54:22,22	blue 53:24	briefly 77:3	31:19 44:3
77:24	71:3	BMP 29:4	bring 27:1,2	45:22 58:2
aye 9:3,4,14	banks 59:11	BMPs 29:1	bringing	65:8
9:15 11:17	barn 50:13	board 50:5	26:25	buildings
36:21 75:8	Barring 81:4	boards 81:9	brought	22:13 30:3
75:9 83:12	83:6	body 7:11	22:19	built 24:16
	based 78:10	39:3 53:18	27:16	47:9,13
B	basically	65:23	28:10 32:2	48:17
b 2:1,5	42:18	Bommarito	55:21	54:13 63:8
10:25	47:10 48:9	19:16 22:5	80:16	bumper 37:9
58:15	49:5	22:24	buffer 14:17	bunch 53:23
Babs 13:11	basin 61:11	29:10 35:1	14:23	burden 28:3
back 12:22	bedroom	bond 68:3,16	15:17,20	Burgard 44:3
13:15	24:22	68:23	15:21 32:4	57:1
20:23	beginning	bottom 40:16	32:6,11,20	business
21:23 24:6	10:3 28:8	43:5 46:14	33:1 37:25	12:1
24:22	behalf 52:20	50:11	38:17	buyers 41:9

41:13	74:9 79:13	47:21,23	comes 49:7	8:18,20,22
bylaws 62:21	caution	49:19 53:6	49:11	8:24,25,25
C	35:14	53:8 77:20	50:24,25	9:2,5,8,10
C 2:7 3:5	caved 34:15	79:5 81:2	51:8 52:8	9:11,11,13
11:4 84:1	CCR 1:18,18	83:4	52:14	9:16 10:16
84:1	84:14,15	claiming	54:19 57:3	11:8,11,12
cabs 24:23	Center 3:3	53:19	61:7 72:18	11:13,13
calculate	certain 31:1	claws 23:8	80:5	11:15,18
61:13	certainly	23:10	coming 22:3	12:1 17:12
calculat...	44:25 55:2	cleaned	26:2 31:5	17:14,16
57:4	55:11	27:23	33:7 44:9	17:21 18:2
call 5:21,23	58:20 64:3	70:11	55:4 61:13	18:4,10,13
8:3,4	66:2	cleaner	comment 5:1	18:16,19
20:23	Certified	34:13	6:12,22	18:23 19:1
35:20	4:3 84:3	clearing	7:13,17	19:2,14
50:16	certify	53:15	64:22	20:3,5,9
75:13	65:18 84:5	client 55:11	comments	20:12,14
calls 69:6	chair 9:20	60:11 66:5	4:12 5:2,7	20:17,22
campsite	78:20	71:23	7:8 65:4	21:1,14,17
13:10	chairman	clients 40:7	74:20	22:8,16
capabili...	4:24 5:15	clients'	commercial	23:17,20
27:19	5:21 6:8	65:20	12:9,14,18	23:23
capable	6:18 74:25	close 43:9	13:7,13	24:11 25:8
28:12	chance 74:11	50:18	14:1,3	25:11,15
care 42:2	change 15:9	closed-m...	16:24	25:19,22
43:15,20	changed	78:5	commerci...	25:24 26:1
carries 76:4	61:10	closer 13:22	34:20	26:4,5,16
case 2:8	changes 35:8	closure 7:17	commission	26:21
11:6 12:4	changing	code 2:5	1:2 3:1,7	27:12 28:4
12:16	15:14 27:3	10:25	4:9,11,13	28:14,18
15:14,15	channel	47:14	4:18 5:3,5	28:22,24
15:24 41:9	54:24	66:18 68:9	5:7,10,10	29:6,9,14
cases 9:25	Chapter 2:6	codes 66:22	5:12,19	29:18,20
10:21 11:6	11:1	combative	6:3,6,7,9	30:12,13
cash 68:15	character	63:19	6:12,17,19	30:14,20
68:20	36:1	come 5:1	6:24 7:14	31:12,23
catch 29:4	chat 22:25	6:10,20	7:15,18,19	31:25 32:1
Caterpil...	chatted	10:12 19:5	7:22 9:4	32:18
24:23	22:19	21:8 22:18	9:15,22	33:12,15
cause 24:16	check 47:3	23:13,14	10:6,19	33:16,17
25:18	69:1	24:3 26:10	11:17	33:21,24
42:20 45:3	Chris 26:15	35:24	26:18	34:1,3,4,5
48:13 49:7	26:19	39:20 48:5	36:21 38:7	34:6,9,11
56:9 57:15	citizen 22:9	49:21	52:4 64:2	34:12,22
57:19	49:16 53:3	50:14,19	75:9 77:2	35:4,5,6
59:23	citizens	50:23 51:3	78:19,23	35:12,16
63:13	4:10 6:9	51:16,16	82:8 83:12	35:21 36:8
65:23 70:9	6:19 21:2	51:23	Commissi...	36:10,14
71:8 72:24	21:6 23:24	53:10	4:6 8:6,8	36:15,16
	24:1 26:5	57:14 62:2	8:10,12,16	36:16,18

36:22 37:1	80:25 81:2	57:19 60:6	71:6,7	cost 51:24
37:6 39:14	81:5,6,8	62:17	73:23	council 4:11
39:18 40:2	81:12,13	concerned	continuance	4:15 7:22
42:9,11,20	81:14,16	49:2	39:1 58:12	7:23 8:2
42:24 43:1	81:17,19	concerning	continue	12:9 77:25
44:15,20	81:21,22	49:9 51:13	23:13	78:6
45:1,6,13	81:24 82:1	concerns	33:11 38:7	counsel 2:13
45:16,20	82:2,3,5,6	26:12	38:16	29:10
45:21,25	82:15,16	27:15	contractor	COUNSELOR
46:1,3,6	82:17,18	31:20	12:20	3:17
47:8,16,17	82:20,21	48:25 60:6	14:12 15:5	counselors
47:20	82:23,24	72:12	16:18	68:2
48:18,21	82:25 83:2	condition	56:11	count 7:16
48:23,25	83:3,4,7,8	15:22 64:4	control 38:3	county 1:1
49:12,15	83:9,10,13	65:22	41:24	2:4,5 3:1
49:19 50:1	commissi...	72:18	conversa...	3:2,17
52:9,18,22	33:25	conditions	50:9 69:21	4:11 5:13
52:25 53:2	57:20	16:12 39:9	74:17	7:22,23
53:5,18,22	61:21	44:16	conversa...	8:2 10:18
53:25 54:4	committed	58:21,24	80:14	10:19,23
54:7 56:18	33:9	confidence	converted	11:1 28:11
57:10,25	communities	43:21 61:2	13:10,12	38:5,12
60:4 62:16	33:7	78:20	Cook 56:8	41:12 44:3
63:2,16,19	compacted	confirm 27:8	cooperative	46:8,9
63:22	65:19	28:10	46:24	47:4,6,9
64:21,25	compaction	consider	Cordes 3:18	56:1 57:7
65:7 66:6	55:9	59:18	38:19,21	58:23 60:8
66:7,15	company 33:5	consider...	58:8 59:6	60:13 63:6
67:21,24	complete	12:2 32:25	61:20	64:12,14
68:1,5,10	4:18 6:2	35:9 52:24	62:24	64:17,18
69:9,14,17	38:12	considering	63:24 68:7	64:20 66:1
70:1,11,15	40:22	7:20 39:7	68:11,15	69:17,25
70:17,23	completed	consisting	68:19	70:3,4
71:13	17:23	11:5	Cordes' 58:4	71:22,24
72:15,20	completely	consolidate	core 54:11	73:16
72:22,24	43:17	30:3	55:7,10	77:12,25
73:6,8,11	completion	constantly	Corps 42:13	78:8,13,15
74:8,19,23	6:2 32:12	24:14	correct	78:19
75:2,2,3,5	compliance	construc...	29:18	84:23
75:6,6,10	17:24 18:6	12:20	44:18 45:5	county's
75:11,12	35:23 36:5	16:18	48:17 58:8	66:18,21
75:17,20	complicated	19:16 28:9	58:18	74:10
75:22,24	57:4	31:18	65:10 73:5	couple 15:7
76:1,3,5,7	components	37:10	77:5,9	46:13
77:1,18,19	63:8	38:18 61:1	correctly	50:10
77:22	concern 22:1	65:24 69:4	63:9,10	course 61:20
78:25 79:4	22:10	71:11	65:1 67:10	Court 4:3
79:5,12,17	24:17,18	consultants	67:10	84:3
79:23 80:8	48:9,11,14	5:24 47:21	corridor	cover 60:22
80:11,19	49:1 50:11	contingent	29:2	Craig 44:3

56:25 57:2	48:12,17	78:12	34:15	5:16 7:19
crazy 83:1	49:1,3,11	dedication	Description	directed
create 15:12	51:7 53:11	78:19	2:3	5:13
created	53:12 54:5	defer 79:18	design 14:25	directly
67:18	54:11,24	definitely	16:1 28:13	7:20 48:10
creating	55:7,12,17	31:17	38:4	director
28:3	60:18 63:8	32:25 33:9	designate	56:19
creek 13:15	65:14,24	definition	7:7	dis 59:13
13:19	66:4 74:17	41:15	designed 4:9	disarray
21:23,24	dammed 67:18	deleting	54:16 55:5	14:2
22:17	damn 43:14	32:4	59:17	discrepancy
27:22 29:4	damp 32:21	deliberate	detail 61:17	53:13,14
40:16 41:6	dampening	7:18	detailed	discussed
41:7 42:16	32:21	demoed 29:22	20:20	58:13
43:12	dams 55:9	denial 17:9	details	discussion
45:18 49:6	Danny 3:8	35:14 36:3	43:23	28:7 33:24
49:6,7	8:5 75:16	36:6,12	detention	35:5 36:8
50:15,16	dashed 40:17	38:24	61:11	71:24
50:25	data 55:5	39:12	determin...	displace...
52:13	date 77:8	58:10 71:1	65:13	27:4
54:19,20	day 3:2	75:1,7,14	determine	disruptions
54:20 55:1	21:12,12	76:4	61:14	5:11
61:7 72:10	21:16,19	denied 72:2	detriment	District
74:18	22:11,18	72:16,25	17:1	12:9
crew 22:25	23:7,19,22	73:4,12,13	develop	disturb 73:4
crews 30:22	24:8,8,12	76:7 79:11	28:12	disturbance
30:25 31:1	25:14,17	Dennis 3:13	developed	38:13
80:9,15	25:20,23	72:21	15:3	39:12
critics 78:5	25:25 26:3	deny 38:7,15	developers	53:16
cross 50:16	30:7 31:11	39:7 58:11	41:5,12	57:13 62:1
50:22 51:2	34:10 65:9	58:12	development	62:20 64:9
51:6,24	84:11	59:10	2:6 11:2	64:10 66:9
crossing	De 37:13	72:16	12:5,11,15	68:21,24
50:17	49:24	74:21,24	14:5,6,10	69:7,10,24
crying 52:1	deal 62:9	75:3	15:9 16:11	69:25 74:4
current 56:9	dealt 79:21	denying 7:25	16:14,14	disturbed
currently	debris 51:2	Department	16:16,23	40:23
12:8 15:6	decent 24:14	38:1,14	16:23	divert 24:16
17:24 30:6	25:1	43:25 44:4	26:24	25:6
32:5,8,9	decide 59:13	44:24,24	32:11,13	Division 2:7
32:16	60:3 67:20	56:2,25	46:19 74:5	3:12 5:17
35:23 54:5	74:11	66:2 71:9	devices 44:1	38:2,6,12
cutout 44:7	decided	73:17	55:25 56:1	38:23 58:9
	34:25 52:2	departme...	diagonally	58:23 63:5
D	73:25	65:4	40:18	79:21
dam 40:15	decision	departments	die 52:2	doctor 51:12
42:12,21	4:14 5:6	65:16	different	doing 17:17
42:22 43:3	56:6	depending	24:13	30:3 62:15
43:10 44:7	decisions	70:9	dip 50:25	64:3 67:15
44:8 48:10	7:21 78:10	derelict	direct 5:6	78:7

door 24:17 31:16	El 13:14	54:8	excavate 52:3	fail 48:12 63:13
dots 53:24	Elaine 3:15 77:5	entered 10:20	excavation 46:3 51:7 51:14	fails 49:3
double 19:18 50:8	elected 42:18	entire 64:6	excellence 78:16	failure 49:1 53:11
downstream 61:8,14 71:17	electing 78:20	entrance 14:16,22 15:4,5 16:7	exception 17:2	fairly 24:13
drawing 43:6 43:6,8	elevation 43:11	entrances 15:11	excuse 46:23 50:2	faith 35:20
drawn 40:18 46:15	elevations 26:25 40:22	entry 79:16	exhibit 2:4 2:5,7 10:25 11:4 11:5	fallen 14:2
drive 16:4 34:9	encountered 27:21	equipment 12:21 31:2	exists 28:21 19:20 29:25 40:20 54:20 55:1	falling 34:16 52:1
driving 62:25	encroach 29:5 41:13	erosion 28:1 38:3 41:24 56:1	existing 19:20 29:25 40:20 54:20 55:1	familiar 27:13
Due 16:19 19:20	encroached 28:5	especially 78:21	expanding 30:10	far 16:8 18:1
Dugan 8:14	ended 19:22 29:1	essentially 43:7	expect 80:8 80:14	favor 6:10 6:12 9:3 9:14 11:16 21:3,4 36:20 47:24,25 75:8 83:11
dump 23:9,10 24:22 26:1	enforceable 64:1	evening 3:2 3:2 9:21 10:21 12:23 14:7 26:18 39:22 44:14	expects 74:6	features 14:9 16:15
Dustin 48:7	enforcement 47:10	evening's 4:7	expanding 30:10	February 77:25
<hr/> E	enforcing 38:2	event 63:14	expected 31:10	Federal 18:10
E 2:1 3:5,5 84:1,1	engineer 38:5 39:23 45:3 65:18 66:3	events 16:21	expertise 66:2	feel 22:7 23:4 24:13 55:8 81:20
earlier 9:24 30:23 58:9 60:8 64:22	engineering 41:18 43:23 44:11	eventually 44:10	Explain 72:20	feet 42:21 42:23 45:6 45:8 51:6 54:22,25 55:17
early 30:15	engines 22:3	everybody 61:3	extent 13:19	fence 22:2 23:1 32:10
earth 27:7	enhance 34:7	everythi... 35:22	extra 42:5	fences 41:24 56:4
easement 22:20,21 22:22 23:2 26:12 28:6 28:10,12 28:15,16 28:16	enjoy 33:4 51:15	evidence 4:12 10:17 11:10,14 11:19 16:9 36:4 78:11	extreme 40:9	field 30:6 31:10
easier 78:17	enjoyable 78:17 79:2	evidently 51:13	<hr/> F	figure 51:19 55:3
eastern 14:17 15:17	enlarge 21:20 23:4 23:16	exact 63:2 74:17	facility 32:23	files 2:8 11:6
effect 17:1 59:15	enlarged 21:25	exactly 51:24 59:10 62:17	fact 66:17 66:25 67:14 71:3 71:15	fill 45:17 45:19,20 45:21
effective 10:24	enlarging 23:11,11		faction 78:5	fills 40:17
either 9:25 33:1 67:1 67:9 68:15 70:25	ensure 47:2 69:2		facts 6:1 7:4	
	ensuring			

final 7:23 7:23	34:24	39:23 40:3	G	79:16,16
finally 11:4	floodway 13:1,19	42:14,22	Gannon 78:2	going 9:24
financial 69:2 73:19	flowing 44:10	42:25 43:3	gas 22:3	10:1,1,4
find 28:20	folks 67:6	44:18,21	Gene 39:23	30:21 34:6
finds 15:19	77:15	45:5,11,15	42:11	35:9 38:20
finish 26:24	follow 59:9	46:5,7	general 44:1	41:2,6,10
56:12 64:6	followed 80:12	47:12,19	generally 5:24 7:24	42:4,12,20
71:11	following 10:20	53:16,20	18:14,21	42:22 43:1
72:13	follows 5:14	53:23 54:1	gentleman 61:5	44:6 48:12
finished 39:16	15:16	54:6,10	gentlemen 4:7 28:5	48:16 49:3
first 15:10	foot 14:14	56:19,22	39:6,22	49:10 52:3
24:12	16:4 27:2	60:5 62:4	54:17	54:10,23
26:23 38:9	27:2	62:6,9,11	55:21	59:21,23
38:24 42:1	footprint 29:15,23	63:15,18	geotechn... 65:18 66:3	59:24
55:6 63:13	30:11	63:21,22	getting 23:7	60:10 61:9
68:7,12	force 50:20	63:23	43:18	62:20 64:5
77:8	forgiveness 35:25	64:13,15	73:23	65:19,23
five 6:11,15	51:17	64:19,24	giant 61:12	66:14,17
7:12 16:5	form 4:19,21	65:6,11	give 71:14	67:2,9,11
18:6 20:6	4:23 7:24	67:1,23	80:21	67:13 70:9
55:2	former 17:25	68:4,12,14	given 71:2	72:7,8
fix 51:19	forms 4:19	68:23 69:1	71:15	73:13,15
fixing 48:13	forte 35:15	69:12,16	gives 13:18	73:17,17
floated 27:22	forth 72:17	69:19,22	31:19	73:21,22
flood 12:24	84:6	70:4,5,20	giving 59:15	73:24 74:3
13:17,17	forward 5:1	71:2,14	go 10:5 14:9	74:9,15,16
13:22 27:5	6:10,20	72:4,7	22:5 24:3	77:10,15
27:15,19	19:5,16	Fribis' 59:19	29:4,8	79:17,18
79:14	21:8 24:3	friendship 78:21	30:25 31:8	80:13,20
flooded 25:14	39:20 48:5	82:12	31:19	good 9:21
flooding 16:19,21	49:21 65:9	front 60:2	32:12 35:7	26:18
24:15 25:5	69:7 79:22	62:2 67:6	42:13	32:19
26:12	80:16	74:24	46:20	33:11 35:2
27:13,14	forwarded 7:22	frontage 13:4,13	50:13,23	35:18
41:11	found 28:20	frustrating 31:5	51:5 55:23	39:22
floodplain 13:2,21,22	foundation 65:8	full 31:7	56:4 59:11	gotta 51:18
32:13,13	four 14:15	fully 62:17	59:16	55:14 60:7
37:15,23	18:7 31:9	fumes 22:4	60:23	65:16,17
38:9 39:11	41:21	further 7:14	61:24	73:1
57:2,13	43:16	8:1 28:1	64:22	gotten 57:12
61:25 66:8	Fribis 39:22	51:6 73:25	72:16 79:3	government 66:1
74:5		furthermore 41:11	79:22 81:7	grab 10:11
floods 21:24		future 41:2	81:23	31:8
		41:9,12	goes 34:24	gracious 77:14
		60:6	50:24 51:4	grade 21:23
			52:12	26:24 27:3
				grades 27:11
				grading 27:4

44:1	65:20, 20	Henry 21:12	huge 33:8	improvement...
grand 60:10	67:13 80:6	hereinbe...	51:2	15:1 71:19
granted	happened	84:6	human 62:22	71:20
41:20 65:5	46:23	hereunto	hundred- ...	inappropri...
67:17	67:12	84:10	13:21	40:13
granting	happening	high 27:21	husband	Inaudible
16:10	22:23	42:23	24:12	69:22
grass 24:20	50:21	43:10, 14	Huskey 3:10	inclined
gravel 14:12	happens 60:6	55:12	8:17, 18	58:17, 19
18:7 21:22	70:10	highway 12:8	42:11, 20	58:25 59:4
46:10	happy 17:11	12:14	42:24 43:1	incorporate
greatly 25:4	20:2 33:10	13:23 16:7	68:1, 5, 10	30:9
77:17	57:8 62:23	21:13 24:9	69:9, 14, 17	incorpor...
Greg 3:9 8:7	hard 51:1	46:9	70:1, 11, 15	16:12
75:21	82:13	Hill 26:19	75:11, 19	increase
ground 40:23	hardship	Hillsboro	75:20	32:20
46:21	16:9 36:4	3:3	hydraulic	independent
group 7:6, 8	Haskins 78:3	history	57:4	43:18
7:9	headache	27:18	hydraulics	indicated
Groves 26:20	57:15	hit 10:13	44:2 57:2	17:19
grow 33:6	headed 65:15	holding 78:6	I	individual
growth 12:10	health 16:13	hole 51:9		4:17
guarantee	51:10, 10	Holler 37:13	idea 13:18	individu...
60:9 63:9	62:24	48:8	30:4	10:2
64:23 66:8	heard 6:8, 18	home 12:17	identical	individuals
68:8, 16, 20	10:21 11:6	13:9 14:1	15:13, 24	5:24
69:2 71:19	21:2, 4, 6	19:19, 20	Identified	information
71:19	23:24 24:1	19:22	2:3	4:12
73:19	26:6, 8	25:13	identify	informed
guess 25:12	40:4 47:23	29:25 30:5	40:24	4:13
28:8 50:16	47:25 48:2	41:13 47:9	ignorance	infrastr...
70:24 72:4	48:16	47:12	46:22	14:15
guide 78:11	49:20	50:12	IIJA 33:6	initial
guys 20:1	51:17 53:6	homes 41:9	illustrated	32:12
32:19	53:8 68:7	homework	53:21	initially
33:20 56:6	68:13	28:19	immediately	17:18
62:3 80:1	77:20 79:6	honestly	79:15	26:23 28:8
H	81:3 83:5	59:22	impact 5:8	injurious
H 2:1	hearing 1:3	honor 23:3	42:17	16:25
half 46:8	3:1 4:8, 9	hoping 28:2	impacts 61:8	inside 47:13
hand 10:6	6:16 7:2	horrendous	impede 16:15	insignif...
handle 44:9	7:10 8:2	80:5	import 27:8	60:25
49:10	heck 41:3	hours 3:2	important	inspect 63:7
hanging	height 42:12	30:17	4:20 5:4	instances
25:21 59:2	Hello 24:8	house 12:17	imposed	8:1
80:3	help 32:21	30:8 46:12	17:25	insurance
happen 41:15	34:7 42:7	46:13, 15	improve 33:7	47:4
55:17	60:23	48:13	improvement	integrity
62:12	helped 25:2	79:16	16:1, 16	78:10
	helpful 61:3	houses 41:7	17:9 60:9	intend 64:3

intending	59:3	66:24	27:25	56:21 59:5
19:19		Kehm 3:13	28:14 32:3	61:23 62:5
interest	J	9:20 10:9	32:4,7,14	62:7,10,13
72:14	J 3:13	10:18	33:7 35:14	64:12,14
78:13	Jalesia 3:18	56:20 59:8	35:19,22	64:17 72:1
interested	jam 51:24	60:14	35:22	72:6
4:10	Jason 3:18	66:13,16	39:10	
interim	56:17,17	68:18,20	43:16 46:7	L
55:24	56:24 57:6	68:24 69:2	46:20	L-shaped
introduce	Jeffco 39:24	69:11,20	47:12	48:10
5:15	Jefferson	69:23 70:3	50:22	Ladies 4:6
introduc...	1:1 2:4,5	70:5,13	51:13,18	lake 37:11
10:17	3:1,2	72:23 73:2	52:7,8,12	37:25
11:10,14	10:18,23	73:7,10,12	52:16	38:18 40:8
11:19	11:1 38:5	74:9 77:3	54:11 56:7	40:12,17
involved	38:11 47:9	77:7 79:19	56:16,23	40:17,19
43:2 61:3	84:23	79:20	57:5,22	41:2,25
62:12 63:6	Jeffrey 8:13	kept 19:21	58:11,15	45:4,22,22
involves	Jennifer	43:13	58:17	46:21 50:8
39:4	1:18 3:3	key 63:8	60:12,13	52:17
is/was 67:16	4:3 84:3	keyway 54:8	61:21,24	54:21,21
isolated	84:14	54:12	63:16,21	58:2,2,6
46:8	Jessie 3:8	kids 25:21	63:23 64:1	59:12,16
issue 12:25	8:15 76:2	kind 13:12	64:15 65:8	59:21 60:1
42:2 43:18	Jett 1:18	13:18 15:5	65:25	60:1 61:11
44:22 56:6	3:3 4:3	15:16	66:11,23	64:6 67:3
56:13	84:3,14	25:21 27:9	67:14,19	67:3,18
59:13 60:1	job 69:6	27:19	68:16,16	lakes 40:14
73:21 74:4	78:16	32:21	70:21	land 38:13
74:5 79:20	Joe 22:23	34:25	71:11,15	39:11
issued 38:10	Johnathan	40:18	71:25 72:3	53:15,16
62:1,2	3:9 8:9	46:13 49:9	72:4,10	57:13 62:1
66:9 70:8	75:25	49:10 51:2	77:10	62:19 64:9
73:24	Jon 13:14	51:15 56:5	79:10 80:4	64:10 66:9
issues 7:13	Josh 3:14	56:13	81:17	68:21,24
16:19	Jr 3:13	58:13 59:2	82:12	69:6,10,23
26:12	Jump 3:14	64:8 71:6	knowing	69:25 74:4
41:22	12:2,3	80:3	27:18	74:16
43:15	17:15,20	kinds 23:6	knowledge	80:16
45:10	18:1,3,8	knew 55:3	41:20	landed 27:23
51:10	18:12,14	knock 43:22	54:14 57:1	landscaping
55:20	18:17,20	know 7:4	knowledg...	15:18
56:23	18:25 24:7	18:1 19:8	26:17	large 13:1
57:14,19	justify	21:25	known 57:11	17:18
it'd 40:9	16:10	22:23	knows 20:19	37:13,19
it'll 50:22		23:16	Krispin 3:14	63:13
51:4 81:24	K	24:19,20	34:21 37:2	larger 7:6,9
81:25	Kaylee 19:11	24:24,25	37:3,6,8	30:4
item 4:21	keep 23:10	25:20	39:17	Larry 3:10
items 44:12	55:14	27:12,14	Kuenzel 3:18	8:11 75:23

law 46:22	72:12	58:14 61:6	9:17 11:7	66:21
layer 13:7	Litz 19:12	61:6 67:8	84:11,22	meeting 1:3
leadership	live 19:11	67:9 71:16	married	3:1 4:2
78:21	21:12,21	74:14 81:8	46:12	5:14 8:3
leads 63:12	24:9 26:19	81:9	Martin 49:23	10:4 77:4
leap 35:20	32:22	lots 15:1	mass 14:17	77:7,25
35:20	lived 25:12	16:2	Master 2:4	84:23
learned 55:2	living 21:20	low 43:13	10:22	member 32:2
leave 41:19	24:21	55:14	material	members 5:4
56:17	31:16	low-water	16:20	5:9 6:3
57:20	51:11	50:17	materials	10:18
leaves 22:24	located 4:19	lower 55:16	27:22	78:18
59:1 80:3	12:8 37:12	LR2 37:19	math 17:17	mention
led 19:23	39:24		matter 73:25	46:12
leeway 71:15	location	M	74:2	mentioned
left 23:9	15:12	M 1:18 3:3	McCune 19:11	12:13
40:15	locations	4:3 84:3	19:11,15	19:17
52:10	14:18	84:14	20:8,11,13	22:16
legitimate	long 25:12	ma'am 20:23	20:18,24	30:14 40:8
55:22	74:5	machinery	26:14,17	44:12
letting 72:3	longer 50:18	12:21	29:13,17	55:13 60:8
level 31:6	look 24:19	Madam 8:3	29:19,24	61:5 63:25
55:14	24:21	75:12	30:19,22	64:9
life 51:25	31:17	main 22:1	31:17,24	mess 34:18
62:22	37:17,20	50:10	32:24	met 17:2
63:13	43:5	maintain	33:14,19	52:6
life-and...	looked 17:22	67:2	33:23	Meyer 49:23
52:19	looking	maintained	mean 22:14	49:23 50:2
lifting 56:8	24:24 32:3	4:22	35:16,21	50:8 52:11
light 57:14	50:4	maintaining	43:14 45:1	52:19,23
lights 23:11	lose 52:16	27:10	46:18,21	53:1,4
23:13 31:5	67:14	making 4:13	48:13 49:5	79:8,13,25
limb 63:13	loss 63:13	4:15 33:9	54:1,18	80:10,18
limit 6:5	lost 74:25	56:9	58:20 59:9	80:23 81:1
limited 7:3	lot 17:10,23	management	59:12,17	mic 34:3
line 13:20	20:19	38:4 58:22	59:19	37:7 79:18
14:17 32:7	25:20	manager	60:19	microphone
43:8,9	31:13 33:6	20:19 57:3	61:21,23	66:19
46:9 50:15	35:23	Manual 38:4	62:5 66:4	middle 40:19
lines 15:18	37:14,19	map 13:6,17	66:7,13	40:23
40:17	39:3 41:4	13:18	67:5,12,19	45:23
listed 12:6	41:8,18,25	37:17,20	68:8 79:13	46:14
38:8	42:4 43:23	37:21	79:14 80:1	Mike 3:10
listen 62:23	44:11,22	Maple 3:3	80:4 82:25	8:17 56:8
little 12:7	46:1 49:7	Maples 37:13	means 67:10	75:19
13:24	51:10	48:8	mechanism	mile 46:9
24:13	54:19,19	maps 12:24	38:25	million
55:12	55:8,25	13:4,17	medium-i...	34:13
60:24	57:3,15,15	March 1:9	15:18	minimal
71:15	57:16	3:1 9:7,12	meet 66:17	69:24

minimum 16:5 42:12 58:24	75:3 76:4 81:4 83:6 83:9	needing 19:23	71:9,21 74:24 84:15	29:6 33:17 33:19 35:25
minutes 6:11 6:15,21,24 7:1,12 9:7 9:9,12,17 19:7 21:10 21:11 55:2	move 31:21 32:3 33:1 42:3 43:20 45:6,8,9 45:11,14 61:18 64:5 65:21 70:25	needs 46:25 55:22,25 65:20 74:15	numerous 11:3	39:18 42:9 47:1,16,19 48:20,22 48:24
Missouri 1:1 1:18 2:4 3:3 10:23 19:12 26:20 64:11 69:23 84:4 84:15	moved 11:11 16:21 34:17 45:17 83:7 moving 61:2 65:9 muddy 70:12 70:13	neighbor 32:20 34:7 35:2 43:9 44:5 52:13 55:16	O	49:12 50:15 52:11,18 53:22 54:5 54:7 56:23 64:19 65:11 66:15
mitigate 32:17		neighboring 17:1	oath 4:19	71:13 72:1 73:11 80:23 82:2
MO-CCR 3:3		neighbors 24:14 25:2 31:16 32:22 33:10 35:18	objected 71:23	old 12:8,13 13:4,6,9 13:14 15:11 16:7 21:13 24:9
mobile 13:9 14:1 25:13	N	never 52:6 60:16 72:10 79:9 81:9	obligations 71:17	on-site 29:12
modifica... 15:8 17:3	N 3:5	new 12:1 14:13 19:24 22:15 27:17 30:11	obliterated 59:24	once 10:3 40:17
modifica... 14:20 17:6	name 4:23 5:2,16 10:13 19:5 19:9 21:8 21:12 24:4 24:8 39:20 39:23 48:5 49:21,23 84:11	nicer 34:13 34:19	obtain 39:10 obtained 58:22 obtaining 39:11	ongoing 56:5 onward 43:22 open-cha... 57:4
Monday 71:12	name's 26:19 48:7	nice 15:4 25:2 35:2	obvious 45:2 45:3 55:20	operation 30:17
money 33:6 60:12 69:18 71:18 73:17	month 44:23 55:23 61:16 80:21	noise 31:6 nomination 78:1,3 normal 16:15 43:11 normally 30:22 51:3 north 50:13 northern 29:2 nothing's 15:14 noticed 17:21 number 1:18 4:21 5:16 12:6,16	obviously 25:11 59:1 61:21 occasion 25:3 offer 42:19 office 12:20 16:18 30:5 30:9 39:24 offices 63:6 Official 2:4 10:22 offset 14:22 15:10 17:7 offsets 15:13 oh 22:18,18 25:6 53:4 56:22 okay 17:21 18:2,19,23 19:4 20:3 20:12,17 20:24 22:8 23:17 25:19 26:4 26:16 27:12 28:4 28:18,22	opinion 22:5 25:16 36:7 42:19 58:4 opportunity 31:20 77:23 oppose 75:11 opposed 6:20 9:5,16 11:18 21:7 23:24 24:2 26:6,8 36:22 48:2 48:4 49:20 53:7,9
month 44:23 55:23 61:16 80:21	months 71:12			
morning 23:12 30:23	morning 23:12 30:23			
mornings 30:15	mornings 30:15			
mother 51:11	mother 51:11			
motion 8:20 8:22 9:1,8 9:12 11:9 11:14 36:9 36:10,17 39:9 74:21 74:24 75:1	motion 8:20 8:22 9:1,8 9:12 11:9 11:14 36:9 36:10,17 39:9 74:21 74:24 75:1			

75:10	owners 19:21	12:11	69:10, 24	placement
opposition	41:9 46:24	pave 16:3	69:25 71:8	28:2
6:22	61:8, 15	paved 15:4	72:17, 17	plain 27:19
option 70:24	71:17	16:6 18:15	73:12, 23	plan 2:4
options		18:22	73:23 74:4	10:22 12:5
58:16	P	pavement	74:5	12:15 14:3
order 2:6	P 3:5, 5	20:7	permits	14:5, 5, 6
8:4 11:2	p.m 1:10	pay 20:16	44:17	14:10, 13
13:2, 14	83:14	26:15, 18	58:21 65:4	15:9 16:11
27:1 32:17	pad 12:17	26:19, 22	66:16	16:23, 23
37:10, 10	pads 34:18	27:17 28:7	73:24	17:5 29:15
37:16, 22	Page 2:4, 5, 7	28:17, 19	permitting	29:24
37:22	paid 64:10	28:23, 25	62:19	30:10
38:17, 18	paper 50:5	32:9 70:6	person 57:6	32:23, 24
45:19 56:2	paperwork	paying 61:6	66:1 77:14	37:24
56:9	50:4	pays 71:21	personal	41:23
orderly	parcel 12:6	PC21097	22:5 78:6	43:24
16:15	parcels	12:15	personally	53:23
ordinance	13:11	15:14, 25	36:1	planned 12:9
7:24 74:10	park 13:11	PC24009 12:2	petition	12:14
ordinances	14:1 25:13	12:4 36:11	19:19	13:25 14:3
2:6 10:25	parking	36:17, 23	petitioner	28:13
66:22	14:15 15:1	people 25:2	5:21, 23	planning 1:2
original	16:2, 3, 5, 8	30:7 35:23	6:4 7:12	2:7 3:1, 7
19:18, 18	17:3, 10	41:7 46:18	7:14 12:19	3:12 4:8
29:24 30:9	18:5 20:6	47:8 51:17	14:3, 19	5:3, 5, 9, 17
32:11	36:5, 7	51:25 52:5	16:2, 8	7:21 9:22
40:24	part 7:6	52:6 54:17	19:4 26:10	10:19 38:6
80:17	14:13	81:9	37:4 39:19	64:2 77:11
originally	32:10	Perfect	42:10	84:23
71:22	40:10	20:24	48:19	planting
Osage 60:19	45:18 46:8	perform 33:6	53:10	33:2
ought 42:1	55:6 56:3	period 5:25	57:11, 24	plantings
outbursts	60:12	7:13, 17	70:18	32:11
5:11	71:24	23:5 31:2	petition...	please 8:4
outlined	particip...	periphery	12:4 15:10	10:5, 10
37:18	57:8	55:9	50:14	19:5 21:8
outstanding	particular	permission	70:24	24:3 26:10
74:2	44:25 69:5	35:25	phase 26:23	27:15 29:8
over-exc...	parties 4:2	51:16	photos 15:2	31:22 37:7
27:2	4:10 31:22	permit 32:13	pick 31:1	39:20 48:5
Overall 61:9	party 5:21	38:9, 13	piece 48:10	49:21
Overlapping	pass 26:15	39:11, 12	60:24	53:10
69:21	52:11	52:4 57:13	pieces 23:8	72:21
overview	passed 51:11	57:13 58:2	place 4:20	75:13 81:6
5:19	passes 9:6	58:6 62:1	15:21	82:12, 14
owned 49:8	9:18 36:23	62:1 64:9	31:19 45:9	pleasures
owner 43:5	52:12	64:10 66:8	48:12 49:5	82:9
46:7 56:11	path 70:21	66:9 68:21	53:12 54:5	podium 10:13
66:3 71:18	pattern	68:24 69:7	84:5	point 30:2

43:21 61:1 66:24 74:1 74:13 policy 47:4 political 81:15 pool 43:11 popular 78:12 portion 6:15 7:2 21:10 37:15 portions 12:25 13:1 position 31:12 42:15 59:19 78:9 78:17 possible 56:13 potentially 63:12 practical 59:15 practically 39:1,13 60:2 practices 58:22 precedent 39:3 58:14 predates 47:11 prefer 41:12 71:2 prepared 7:4 present 5:17 5:18 19:4 39:19 84:5 presenta... 6:1,2 55:14 presented 16:9 28:23 78:11 presuming 68:11 pretty 15:3 43:9,13	49:3 55:20 72:10 preventing 27:25 previous 14:5 15:14 15:24 19:21 29:10 previously 13:25 14:2 primary 12:10 print 4:22 prior 14:1 17:19 27:11 privacy 15:18 22:2 privilege 78:23 probably 20:22 50:17 56:24 57:15 58:24 problem 20:5 20:10 22:4 44:16 56:5 59:1 64:4 problematic 58:10,15 problems 51:7 procedure 61:25 proceed 7:20 proceedings 84:6,8 process 57:17 63:7 80:12,22 professi... 78:16 progress 63:7 project 5:15 5:20 20:18 21:3,7	23:25 24:2 39:24 40:3 40:10,16 41:17 42:7 42:16 43:17 46:4 47:7,24 48:1,3 49:20 53:7 53:9 55:3 55:23 56:2 56:12 57:12 62:12 63:12 64:6 65:1,9 72:13 proper 57:11 61:25 63:4 properly 47:3 54:9 properties 15:23 16:16 17:1 property 12:7,20,25 13:3 14:16 14:17 15:11,18 16:18,20 16:21 17:24 19:20 24:6 27:23 29:5 31:22 32:7 33:4,9 34:19 37:12,13 37:16,18 43:4,8,11 46:11,16 46:17 48:9 48:11 50:12,14 61:8,15 71:17 proposed 15:22,23 16:17,22 16:25	30:11 56:1 proposing 15:10 protected 67:4 provide 4:10 5:1,1 7:8 provided 26:24 38:4 public 1:3 3:1 4:8,9 6:11,21 7:10,10 8:1 16:13 38:1,15 43:24 44:23 56:19 71:9 73:16 74:3 79:21 80:13 pumping 45:24 purposes 43:7 pushed 22:25 pushing 23:3 put 19:16 22:2 24:6 29:25 32:10 34:17 35:13 40:8 47:1 56:2 56:4 58:25 65:17 67:11 68:2 69:7 71:18 73:1 77:13 putting 41:14 54:23 79:15	5:10,20 7:14 25:10 29:9,20 32:2 35:6 45:2,3 55:6 65:11 67:6 68:1 72:15 79:18,24 questions 6:4,5,7,13 6:14,17,24 7:1,15,19 17:11,13 19:2 20:1 20:4,20 22:9 25:9 29:7 30:13 31:25 33:15 42:8 42:10 46:2 47:17 49:15 53:2 57:16,20 57:23 61:19 67:24 74:19 quick 59:8 quite 32:15 quorum 8:19 quote 62:21 62:22	
					R
					R 3:5 13:9 84:1 RA 5 37:19 Rachel 3:14 38:21 40:7 rain 46:1 50:23 63:14 80:4 raining 45:24 raise 10:5 raised 7:13 rate 12:24 Rawson 48:7 48:7,20,22
					Q
					qualified 55:8 quarrel 66:25 question

48:24 49:2 49:14,18 50:7 re-noticing 39:4 ready 10:12 44:25 real 59:8 really 20:20 28:17 31:7 35:2,15 38:24 39:13 41:1 41:23 56:6 56:15 58:1 58:11,14 60:22,25 61:2 62:18 67:5,18 72:14 rear 4:19 13:3 reason 14:7 59:23 reasonable 46:23 reasons 38:8 reassessing 31:18 recall 28:7 receipt 60:8 receive 15:20 recommend 7:4,5 recommen... 17:4,6 38:14 recommen... 4:15 36:11 36:18 recommended 58:10 recommen... 17:5 38:6 reconsider 82:7,10,14 82:19 record 4:21 10:14,20	84:8 rectangle 46:14 red 13:20 37:18 redeveloped 15:4 redevelo... 28:9 reduce 5:8 references 64:18 referring 55:21 68:12 regarding 7:5,11 regardless 18:9 regrading 27:8 regulations 60:21 relative 4:14 5:20 6:4 relatively 27:17 relevant 42:6 relief 14:21 14:23,25 15:16,20 16:2 37:5 38:16 reliefs 36:12 rely 80:1 remain 15:23 remaining 14:16 15:22 78:18 remains 47:6 remedial 72:8 remediate 69:4 73:14 remediated 67:11	remember 5:4 10:10 reminder 19:7 repaired 67:10 reperson 12:18 repetition 7:6 Report 2:8 Reporter 4:4 84:4 reports 11:5 77:1 represent 4:7 represen... 5:18 70:24 represents 7:9 repurpose 12:18 request 12:5 15:13,24 16:10 18:5 38:8 57:18 62:18 64:5 65:3 requested 14:19 17:3 38:16,23 60:11 requesting 16:2 37:5 38:15 require 58:23 66:3 required 4:22 5:1 14:21 15:19 16:3 16:6 18:8 54:16 requirement 14:23 16:3 requirem... 15:20 16:24 17:2 64:7 68:2	68:4 69:24 requires 16:5 37:9 38:17 68:25 requiring 14:5 20:6 residential 13:8 37:14 37:19 resign 81:18 82:19 resolution 7:25 respect 78:10 respective 2:8 11:6 respond 7:13 7:15 Responding 5:7 responsi... 62:21 responsible 38:2 rest 43:15 resubmit 61:22 retained 2:13 retired 23:12 returned 80:17 reutiliz... 29:11 review 57:7 revised 12:5 14:5,6 17:5 rezoned 12:14 rezoning 13:25 17:19 rid 54:16 55:1 riffraff 25:22	right 10:5,6 14:8,14 17:20 18:10,16 21:17 23:20 24:17 25:14,16 26:3 28:24 31:16 33:12,21 34:5 37:23 39:14 43:5 43:8 45:7 45:22,25 46:14 47:18 49:5 49:14,17 51:1,24 52:13,14 52:22 53:20 54:2 54:2,4,18 55:12 58:12 59:3 59:6,12 63:3 64:24 67:5 69:19 70:14 72:9 73:2,6,20 74:13 79:14 80:10,10 81:18,21 risk 62:22 risks 16:13 river 40:14 49:4 60:19 rivers 51:5 road 24:20 28:15 46:10 74:1 rock 22:10 22:11,17 22:19 26:11,19 26:22 27:1 27:1,3,9 28:2 51:2 Roesch 3:15
--	---	---	--	---

8:5,7,9,11	22:8,16	81:6,12,16	41:8 60:20	23:19
8:13,17,19	23:17,20	81:19,22	66:5 74:7	39:15
10:8 75:16	23:23	82:1,3,16	sent 40:21	47:18
75:19,21	24:11 25:8	82:20,23	serious 22:4	49:17
75:23,25	26:5,16,21	83:2,4,8	serve 78:23	52:10 53:5
76:2,4,6	27:12 28:4	83:10,13	served 81:9	74:8 77:19
77:6	28:14,18	screening	service	78:25 79:4
roll 8:4	28:22,24	14:24	77:12	79:7,24
75:13	29:6 30:13	15:17,19	serving 79:2	81:6,16
room 4:20	31:25	34:23	set 84:6	82:10,20
24:21	33:15,17	season 79:14	sets 41:14	82:23 83:2
rough 17:17	33:21,24	seat 10:10	seven 30:24	sit 32:5,6
rules 17:25	34:3,5,9	second 8:24	31:10	60:15
run 51:25	34:12,22	9:10 11:12	shed 21:19	site 12:19
runs 40:14	35:5,12	36:14,15	22:1 29:3	13:9,24
40:15 49:5	36:8,14,16	38:11 39:1	short 31:2	15:2 27:6
rural 22:6	36:22 37:1	75:4,5	shorthand	27:9,17
Ruth 24:8	39:14,18	seconded 9:1	4:3	28:1,9,25
RV 13:10,11	40:2 42:9	9:13 11:15	shot 40:22	29:3 31:18
	45:13,16	36:18 75:7	show 13:16	34:10
S	45:21 46:1	83:10	44:4,6	37:24 42:5
S 2:1 3:5	47:17,20	seconds	showed 17:22	42:19 69:4
safe 17:16	48:18,21	52:10	showing	70:14
61:14	48:23,25	secretary	37:24	sites 12:18
safety 16:13	49:12,15	8:3 10:6,8	shown 14:3	30:24 31:8
62:24	49:19 50:1	75:12	shows 14:10	sits 72:9
Saint 19:12	52:9,18,22	section 37:5	14:15 50:6	sitting 70:8
Saline 13:15	52:25 53:2	38:16 44:7	sic 12:15	situation
13:19	53:5,18,22	security	side 23:13	60:16,22
salvage	53:25 54:4	68:20 69:8	31:13	71:16
19:21	54:7 56:18	Sediment	40:15 43:8	72:11
satisfies	57:10	38:3	44:8 54:24	six 23:10,10
16:23	62:16 63:2	see 13:3,15	56:13	size 12:12
satisfy	63:16,19	15:3 24:20	sight 32:7	19:18
44:23	63:22	24:22,23	66:24	29:11,23
saying 26:2	64:21,25	31:20	67:14	37:14 49:9
50:5 67:19	65:7 66:6	32:25 35:8	sign 4:23	sky 52:1
70:6,16	67:21,24	36:2 48:16	significant	slide 13:16
says 64:4	70:17,23	51:22	12:25	14:10
Scherrer 3:8	71:13	70:14 79:2	silly 67:2	slides 17:22
4:6 8:15	72:20	80:9,14	silt 41:24	slightly
8:16,20,25	74:19 75:2	81:22	siltation	30:10
9:5,11,16	75:6,10,12	Seek 78:3	44:1 55:25	slips 10:12
10:16 11:8	76:2,3,5,7	seen 47:13	56:4	small 29:25
11:13,18	77:1,19,23	49:6 50:19	simply 41:16	42:16,16
12:1 17:12	78:25 79:5	51:22	43:22	42:17
19:2,14	79:12,17	self-ser...	single-f...	smaller 30:3
20:3,14,17	79:23 80:8	78:7	12:17	soil 55:9
20:22 21:1	80:11,19	selling 41:6	sir 10:16	sole 7:10
21:14,17	80:25 81:2	sense 41:1,4	11:8 21:15	somebody

39:8 52:2	29:20	27:9	4:1	74:2,6
56:22	30:12 32:1	stable 27:25	stop 42:4	Street 3:3
someplace	32:18	staff 2:8	56:2,9	strictly
71:4	33:12	3:12 5:13	80:7	81:14
somewhat	35:21 45:1	5:16,18,20	storage	strongly 7:3
58:15	45:6,20,25	7:20 11:5	12:21	structure
soon 56:12	46:3,6	15:19,21	14:12 15:6	5:14 17:18
sooner 57:15	47:8,16	16:11,17	21:13,19	29:12,15
sorry 20:18	74:23 75:2	17:4,13	22:13,15	30:11
34:4 37:21	75:3,25	19:3 30:6	23:6 30:5	stuff 17:23
53:4 56:13	76:1	36:11,17	31:8	27:22 32:3
56:18	Sparks '	77:11,15	storm 45:19	32:5 35:24
73:13	51:15	78:15	55:15	54:8 57:2
75:18 79:2	speak 4:25	Stallman	61:12	70:19
81:20,22	6:23 21:11	78:3	storms 80:4	subdivision
sort 27:24	27:15,15	stand 10:5	Stormwater	40:7 41:4
61:17	28:6 30:18	staple 82:9	38:2,3,6	41:6 46:17
sorted 70:19	38:22	start 35:24	38:12,23	subdivis...
sorts 30:6	47:22	57:11	44:24 56:1	40:5,6
66:20	54:15	61:12	56:25 58:9	subject 12:7
Soto 37:13	77:23	79:15	58:23 63:5	12:19
49:24	speaker 5:10	started 23:3	66:2 79:21	15:11
sound 32:21	6:13,23,25	23:8 46:4	straight	37:12,18
south 21:13	7:8 10:12	61:17 65:1	24:24 29:4	submission
24:9 26:19	21:10	starting	stream 13:2	38:13
40:9	speakers	22:3 30:15	13:14	submitted
southeast	4:20 6:14	30:21	15:21 37:9	5:22 14:10
40:10	6:25 7:4	state 10:14	37:10,16	37:24 44:2
southern	speaking	10:14 19:5	37:21,22	64:19
15:17	9:25	21:8 24:4	37:22,25	submitting
37:15	speaks 36:1	39:20 48:5	38:17,18	43:24
space 18:9	specific	49:21 58:1	40:5,11,13	subscribed
18:17,21	4:18,25	64:11	40:13,14	84:11
19:23 30:9	specific...	69:13,15	40:20,24	subsection
spaces 14:15	11:1	69:16,23	41:1,3,8	62:23
16:4,5,8	spillway	80:17 84:4	41:13,15	substant...
18:7,7,18	44:6 49:9	stated 16:22	41:20 42:2	32:14
20:6	54:15,22	35:17	43:18,19	subtracted
Sparks 3:9	55:5 57:3	statement	44:10,13	6:14 7:1
8:9,10	61:13	5:9 29:10	44:21	suburban
17:14,16	spoke 28:5	35:7	45:18,19	12:10
17:21 18:2	56:22	Statute	55:19	suggest 7:7
18:4,10,13	spokespe...	18:11	56:14,14	39:6
18:16,19	7:7	stay 59:10	57:14 58:7	suitable
18:23 19:1	Spraul 8:13	67:16	59:10,14	16:22
25:11,15	square 14:14	step 60:23	59:20,22	29:21
25:19,22	16:4	72:13	60:15,17	Suite 39:25
25:24 26:1	stability	Stillwater	60:18 65:3	supporting
26:4 29:9	66:4	49:24	67:2,4,16	5:24 14:8
29:14,18	stabilize	STIPULATED	71:5 73:4	47:21

23:2 69:3 sure 10:13 27:7 28:17 33:9 34:2 34:7 35:9 40:24 42:5 44:8 53:25 58:4 63:7 65:2,10 79:25 80:11,13 surrounding 6:1 16:16 37:18 surrounds 13:8 survey 27:6 surveyed 22:21 surveyor 28:11 surveyors 40:21 swear 10:7 Swearing 9:19 swing 41:14 sworn 10:2,8 10:15 19:6 19:10,13 21:9,15 24:4,10 26:20 39:21 40:1 48:6,8 49:22,25	taken 4:2 43:19 talk 40:4 58:1 talked 56:8 71:8 talking 10:4 52:4 54:12 54:18 58:5 58:18 tall 32:15 34:18 taller 32:15 33:2 tear 19:22 49:11 teardown 30:2 technically 60:1 tell 27:13 34:12 62:13 80:20 temporarily 38:7,15 temporary 38:24 39:12 58:10 ten 19:7 49:8 ten-minute 5:25 tenure 78:18 term 40:12 78:1 terms 21:22 28:21 61:1 65:12 testimony 4:12 10:1 10:2 84:10 thank 9:20 9:21 10:9 10:15,16 11:8 12:3 17:12 19:1 19:14 20:12,13	20:24 21:1 21:17 23:20,22 24:11 26:4 26:21 30:12 31:23,24 33:13,14 33:19,21 37:3,8 38:21 39:14 40:2 44:20 47:18,19 49:17 50:1 52:25 53:1 53:5 60:4 77:11,16 77:18,19 77:22 78:2 78:15,18 78:22,23 78:25 79:4 80:25 81:1 81:13 82:5 82:6,7,11 82:14,20 82:23,24 83:3 Thanks 33:23 thing 13:10 27:9,24 50:3 52:20 64:8 66:10 things 15:7 30:16,21 31:21 33:1 38:20,23 41:25 44:11 50:11 55:10 56:10 67:13 68:9 69:3 71:7 71:9 think 23:9 23:15 24:13 26:22 30:7	32:18 33:19 35:19,21 35:25 36:3 36:5,6,7 40:19 42:18 43:17 46:23 47:1 57:6,19 60:5,7,9 60:14 61:3 61:18 63:24 65:25 66:24 67:5 67:14 68:5 72:5,25 74:13,14 thinking 30:1 third 36:13 thought 20:19 31:15 55:19 56:22 thoughtful 25:4 three 6:23 14:19 21:11 34:14 41:21 43:16 Thursday 11:7 Tim 8:14 time 5:8 6:5 6:13,25 7:3,15,16 13:12 19:8 19:9 25:12 27:20 30:20 31:3 31:7 47:15 51:12 80:21 81:25 84:5 times 11:4	34:13 timing 65:12 today 23:9 59:22 tolerate 5:11,12 tomorrow 80:9,15 tonight 9:23 9:25 10:4 39:5 40:11 41:23 42:6 43:7,20 55:18 56:15 61:4 61:15,17 65:22 67:7 67:20 70:10 71:5 71:10 82:19 top 54:20,22 54:22 topo 13:18 topography 13:16 37:21 total 6:11 6:21 53:15 town 31:9 traffic 22:2 trailers 34:15,17 transcribed 4:4 trapezoidal 44:7 54:23 trapped 52:21 traverses 13:2 37:15 37:22 tree 14:16 trees 25:3 32:15,16 33:2 41:14 trespassed 48:15 tried 78:13 trimmed 25:3
T T 2:1 84:1,1 take 7:24 12:16 17:11 31:20 32:25 35:9 35:19 42:2 42:15 43:15 49:4 52:23 65:16 73:15,17				

trouble 60:21	61:16 67:13	unusual 40:3	15:22	want's 72:12
trucks 23:9	two-thou... 34:20	upcoming 13:4	vehicles 23:7 32:5	wanted 19:17
23:10	type 13:10	updated 43:6	vendettas 78:6	30:3 38:22
24:22 26:2	69:7	upper 44:7	verbal 5:11	39:8 44:5
30:15,16	typewriting 4:4	upstream 43:4,9	5:12	60:18
31:13 32:6		44:5 55:16	verify 66:4	71:22
true 71:25	U	use 14:1	vice 78:20	82:21
84:7	UDO 16:24	16:17,25	view 24:18	warehouse 30:10
truthful 22:24	17:2 47:10	19:22	25:15,16	warming 30:15
try 28:20	78:11	22:14	61:1	warranted 36:7
30:22	Uh-huh 21:19	29:15 30:5	vinyl 32:10	Washington 46:9
32:17	39:17 65:6	40:12	violate 74:10	wasn't 32:24
51:19	72:6 79:12	uses 13:4	voluntarily 32:20	54:13
62:20 80:6	ultimately 4:11 63:12	16:22	volunteers 82:13	60:12,12
trying 60:17	67:6,15	USGS 55:4	vote 70:25	71:24
63:17	74:15	usually 41:5	75:14,14	79:25
67:19	unable 19:21	utility 28:16	76:8 78:14	wastes 5:8
Tuggle 3:8	unanimously 9:6,18	utilize 12:19	79:9	water 12:25
8:5,6,24	11:20	16:20	voted 77:25	29:3 40:25
9:2 33:16	36:23	19:19	votes 78:4	43:4 44:5
34:1,4,6	understand 22:14 31:4	utilized 29:21	voting 22:6	44:9 45:17
34:11 35:4	35:4 42:7	V	23:16	45:23 49:7
35:6 36:15	45:11	vacant 12:16	VR24014 37:1	49:10
36:19	46:25	12:17	37:4 75:1	50:19
75:16,17	51:14 56:3	vacated 25:24	75:3,7	53:19
81:5,8,14	58:5 59:19	variance 38:8 40:12	76:7	54:17,19
81:17,19	63:15	41:20	W	55:1,14
81:21,24	71:16	43:22	waiting 82:15	61:6,7,9
82:2,5,6	72:11 82:1	44:14	walk 60:10	70:12,13
82:15,18	understands 57:7	55:19	want 21:20	water's 55:4
82:21,25	understood 53:14	56:15	34:1 35:20	waters 27:21
83:3	undisturbed 15:23	57:18 58:7	40:8 41:10	watershed 61:10
turn 34:3	Unified 2:6	59:14,15	43:4,10	way 22:7,25
37:6 38:20	11:2	59:20 61:4	44:21 52:2	23:4 29:1
79:17	unimportant 64:8	62:18	52:3,21	31:12,21
twenty-one 34:22	uninterr... 5:25	63:11 64:4	56:7,15	44:22
twice 17:18	unique 60:22	65:3 66:11	57:25	46:11 51:9
34:10	unregulated 13:21	67:17	58:11,25	51:22
54:25		72:25 73:3	61:17	57:11
two 9:25		73:13 74:7	66:23,25	60:25 62:7
10:21 11:6		varied 74:3	68:17	62:14 63:4
15:11 23:8		vegetation	77:11	65:1,15
23:8 30:3			78:15,18	67:12,16
30:7 34:14				70:18
36:12				73:18
38:23				
55:23				

81:20	84:10	56:9 57:8	22:18 24:3	37:22
ways 51:17	wide 15:4	59:24 67:8	25:23,25	38:17 54:3
we'll 14:9	54:25	67:9 72:8	31:17 40:9	1-acre 40:8
19:7 41:21	widen 33:1	74:14	42:11,24	45:4 46:21
43:15,24	width 54:25	77:13,14	45:15,22	50:5
48:23 77:8	wife 21:21	80:9 81:10	49:2 52:11	1/2 50:6
we're 14:7	window 23:14	worked 44:12	59:6,25	10 2:4,5
23:12	24:21,23	55:8 81:10	61:23 62:4	42:23
24:17	windows	working	62:6 63:18	10-foot
27:17,25	24:19	31:10	66:6 68:10	22:21 23:2
28:2 29:1	wipe 49:4	56:24	68:14,19	43:14
33:9,19	wish 23:23	77:16 82:8	69:19	100-year
40:11	66:19	Works 38:2	70:15 79:8	37:23
41:23 43:9	78:21	38:15	79:25	10561 19:12
44:25 45:9	82:10,13	43:25	82:18,25	11 2:7
45:9 55:18	wishing 4:17	44:23	year 80:21	118,000
58:1,3,5,5	4:24,25	56:19 71:9	years 21:21	71:23
58:7 60:14	6:9,19	73:16 74:3	22:22	125-foot
60:17 61:6	21:2,4,6	79:21	34:14,14	14:21
63:10 64:5	23:24 24:1	80:13	41:16 49:8	15:10 17:7
65:7 67:15	26:6,8	worry 24:14	50:18	14 9:7,12,17
67:19,20	47:23,25	25:5	51:22	141 12:8,14
71:11,12	48:2 49:20	worrying	Yep 17:15	13:5,7,7
73:15,22	53:6,8	59:20	18:3	13:14
74:9,15,16	withdraw	worse 25:16	yous 52:20	15:11 16:7
77:15	61:22,24	56:10	79:10 80:2	21:13 24:9
we've 15:8	70:25	wouldn't	80:24	14700 37:12
27:21,21	withdraws	44:4 45:16		14777 48:8
40:21	70:18	52:21 80:8		1722 21:13
41:16,24	witnesses	80:14	Z	21:21 24:9
44:11 55:3	9:19 10:8	write 47:3	zone 15:8	1740 12:8,13
56:16	35:17	writing	27:5	
58:13	wolf 52:1	42:18	zoned 12:9	2
60:20 71:8	wonder 24:24	written 36:3	34:19	2 12:9 37:10
71:8,16	wonderful	36:6	37:13	37:16,22
Webster	77:13	wrong 45:10	zoning 1:2	38:18 50:6
26:20	wondering	71:20	3:1,7 4:8	50:6 54:2
week 80:20	79:8 80:6	wrote 69:1	5:3,5,9	55:17
weeks 41:21	word 47:4		7:21 9:22	2-foot 21:22
43:16	71:20	X	10:19 13:6	2,000-foot
weird 60:16	words 64:23	X 2:1	13:8,8	46:10
welcome	67:19		17:25	2.1 50:7,8
49:18	77:10	Y	37:17,20	2.18 53:14
welfare	work 27:7	yard 14:12	38:7 47:10	20 6:21 7:1
16:13	30:7 31:21	15:6 30:23	64:2 84:23	21:10
62:25	34:24	30:25 31:7		2001 12:15
went 13:25	41:18 42:5	31:8	0	2003 10:24
55:4 60:18	42:25	yeah 17:20	008 48:11	2008 10:25
weren't 27:3	44:22 55:7	18:1,12,25	1	11:3
WHEREOF	55:24 56:2	21:16	1 37:10,16	2021 13:25

25:13	6			
34:25	6 39:25			
2024 1:9 3:1	6:30 1:10			
9:7,13,18	3:2 23:12			
11:7 84:11	30:23 31:9			
84:22	60 50:12			
21 14:13	54:25			
34:21 46:9	63020 49:24			
25 18:13	63050 3:3			
45:6,8	634 1:18			
25-foot 37:9	84:15			
38:17	6th 10:24			
40:25	7			
25th 77:4,9	7:54 3:2			
26th 78:1	83:14			
28 1:9 3:1	70 60:10			
84:22	71:24 72:1			
28th 11:7	70,000 47:3			
2nd 10:25	60:9,13			
11:3	68:3,15			
3	70:2 71:3			
3 13:2,14	71:20			
3.86 12:11	70x120 14:14			
3:30 31:11	710 26:19			
30 52:10	729 3:3			
54:22	8			
31st 84:11	8 42:22			
35 42:21	8- 43:14			
3838 39:24	8,400 14:14			
4	16:4			
4-foot 34:18	9			
4:3 77:25	900 51:6			
40 40:7,9				
46:20				
50:14,18				
400 2:6 11:1				
41 37:14				
5				
5:1 76:5,6,8				
50 21:21				
22:22				
500-year				
13:22				
505.170.B.3				
37:5 38:16				
5600 49:24				