

1 MINUTES OF THE BUCHANAN COUNTY
2 PLANNING & ZONING COMMISSION
3 SEPTEMBER 19, 2023

4 The meeting was called to order by Chairman Alfred
5 Purcell at 7:00 p.m. in the Thomas J. Mann III Room,
6 #223. This room is located on the 2nd floor of the
7 Buchanan County Courthouse, 411 Jules Street, St.
8 Joseph, Missouri 64501.

9 Board members Scotty Sharp, Glen Frakes, Rodney
10 Fry, Alfred Purcell, Cody Cornelius and Mike Korte were
11 present for roll call and a quorum was present.

12 Also present were Presiding Commissioner Scott
13 Nelson, Commissioner Scott Burnham, County Attorney
14 Joshua Bachman, and Planning & Zoning Specialist,
15 Kristy Theas.

16 **AGENDA**

17 **ITEM #1:** A request by Journey Baptist Church, 5995 SE
18 State Route A, St. Joseph, MO 64503, to obtain a
19 Conditional Use Permit to construct a church on a 37.35
20 m/1 acre parcel located at 5995 SE State Route A,
21 St. Joseph 64503, all located in Section 35, Township
22 57, Range 35.

23 **ITEM #2:** Amend Ordinance 102.1 in the Buchanan County,
24 Missouri, Zoning Order to read: This order is made in
25 accordance with Sections 64.510 to 64.690 of the
Revised Statutes of Missouri, and all supplements
thereto, and in accordance with the Buchanan County
Master Plan and is designed to:

102.1 Promote the health, safety, morals,
comfort or general welfare of the inhabitants of the
unincorporated portion of Buchanan County;

102.1.2 To conserve and protect property and
building values;

102.1.3 To secure the most appropriate use of
the land and;

102.1.4 To facilitate the adequate provision
of public improvement throughout the county.

ITEM #3: To review and discuss draft for Utility-Scale
Solar Energy Systems.

1 P R O C E E D I N G S
2 (Meeting commenced.)

3 CHAIRMAN PURCELL: We will call the meeting to
4 order. Kristy, will you call the roll?

5 MS. THEAS: Rodney Fry?

6 MR. FRY: Present.

7 MR. McLEAR: Pat McLear?

8 (No response.)

9 MS. THEAS: Al Purcell?

10 CHAIRMAN PURCELL: Here.

11 MS. THEAS: Cody Cornelius?

12 MR. CORNELIUS: Here.

13 MS. THEAS: Wayne Barnett?

14 (No response.)

15 MS. THEAS: Shirley Day?

16 (No response.)

17 MS. THEAS: Fred Corkins?

18 (No response.)

19 MS. THEAS: Scotty Sharp?

20 MR. SHARP: Here.

21 MS. THEAS: Glen Frakes?

22 MR. FRAKES: Here.

23 MS. THEAS: And Mike Korte?

24 MR. KORTE: Here.

25 CHAIRMAN PURCELL: The minutes were mailed and
will stand approved as written unless there's any
correction.

(No response.)

CHAIRMAN PURCELL: Hearing no objection, they
stand approved.

Kristy, would you cover item No. 1?

MS. THEAS: Sure.

ITEM #1:

MS. THEAS: Item No. 1 will be from Journey
Baptist Church of St. Joseph requesting a conditional
use permit to build a church on a 37.35, more or less,
acre parcel in Section 35, Township 57 and Range 35.

The present zoning, I'd like to make a
correction. I had put that it was agricultural, A-1.
It is actually residential, R-1. It still does not
change the table of use. They still have to have a
conditional use permit no matter if it was A-1 or R-1,
so they are still coming in front of the board for a
conditional use to build the church.

CHAIRMAN PURCELL: Who is here this evening
representing the request?

PASTOR JACOB McMILLIAN: I'm Pastor Jacob
McMillian from the church, and we also have one of our
elders, Carey Pearson, is also in attendance.

1 CHAIRMAN PURCELL: You stated your name.
Would you state your address, please?

2 PASTOR JACOB McMILLIAN: Yes, 1914 North 33rd
Street, St. Joseph, Missouri 64506.

3 CHAIRMAN PURCELL: Thank you. Please.

4 PASTOR McMILLIAN: All right. So in 2019 we
purchased the land from the Cone family with the desire
5 to relocate the church. In 2021 we did initial dirt
work on the front 12 acres -- or the west 12 acres --
6 and then the last two years we have approved a \$3
million relocation to rehome the property pending our
conditional use permit.

7 So we are here tonight asking for a
conditional use permit to build the church off of A
8 Highway at 5995 Southeast State Route A. The building
will be about 800 -- 8,500 square feet. We expect
9 about 200, 220 in seating capacity at the worship
center, and we run one service.

10 The driveway that has been installed in '21
was approved by the Highway Department in exchange for
11 the old residential driveway, so the Highway Department
came out and told us where they preferred to place the
12 driveway, and that's their location, their studies,
that was there; and it's a three-car access, so two
13 going out, one coming in.

14 We have had a septic tank or soil study done.
I think that was given to you guys with two different
15 locations marked. The soil is good for laterals in
that system, and that is part of the plan to put in.

16 I don't know what else -- Parking is already
kind of out there. We have the millings parking lot.
17 That's been out there since 2021, and that is -- the
plan right now in phase one is to keep that parking
lot.

18 CHAIRMAN PURCELL: Does the board have any
questions?

19 COMMISSIONER BURNHAM: I have a question. Is
there a building out there now?

20 PASTOR McMILLIAN: There is a shelter out
there. We use it for, like, picnics and stuff like
21 that. It's probably, I would say, maybe 15 x 8, a
cement slab with metal beams.

22 COMMISSIONER BURNHAM: Okay.

23 CHAIRMAN PURCELL: Other questions of the
board?

(No response.)

24 CHAIRMAN PURCELL: No questions of the board?
Is anyone here in opposition?

25 UNIDENTIFIED SPEAKER: You have one.
UNIDENTIFIED SPEAKER: I have a question.

1 CHAIRMAN PURCELL: Please, would you come and
address the board.

2 UNIDENTIFIED SPEAKER: Okay.

3 CHAIRMAN PURCELL: State your name and your
residency. Are you speaking in support or are you
speaking in opposition?

4 CHARLES PANIGOT: I had a question, but I'll
be in opposition. My name is Charles Panigot. I live
5 at 3802 Meadow Oak Terrace. And I just want to read
this.

6 CHAIRMAN PURCELL: Sir, would you speak up,
please?

7 MR. PANIGOT: My name is Charles Panigot,
P-A-N-I-G-O-T. I live at 3802 Meadow Oak Terrace.
8 I'll be in opposition as I speak this evening. But my
question was is how many parking spots would be at the
9 facility there?

10 CHAIRMAN PURCELL: Sir, just present your
question, and if you have other questions --

11 MR. PANIGOT: I do.

12 CHAIRMAN PURCELL: -- invariably, we'll ask the
pastor to come and address the board.

13 MR. PANIGOT: Okay.

14 CHAIRMAN PURCELL: Sir, your question is how
many parking --

15 MR. PANIGOT: How many parking spots?

16 CHAIRMAN PURCELL: How many parking spots --

17 MR. PANIGOT: Yes.

18 CHAIRMAN PURCELL: -- are there?

19 MR. PANIGOT: How many parking spots are drawn
up or are in anticipation, and how many days of the
week would this facility be used? How many functions
per week was he intending to use this, and has there
been a traffic study done on A Highway, and as A
Highway is getting kind of overused now with all the
build-up out here at The Commons. I moved out there at
East Hills for a number of years, and I see the traffic
build-up, and it's getting difficult now to get out.
The last thing I want to see is something like Grace
Evangelist Church being put in out there where I can't
get in and out of A Highway. That's what I'm afraid
of. Those are my questions.

20 CHAIRMAN PURCELL: Thank you. Anyone else in
opposition?

21 MR. PANIGOT: Would he -- Would he answer the
questions first?

22 CHAIRMAN PURCELL: Yes. Pastor?

23 PASTOR McMILLIAN: I was doing some quick
study on your packet. Snyder Engineering. That would
be their same packet that has the water runoff with the

24

25

1 blue and red lines. I counted very quickly. It looks
2 like there's 120 spots in the phase one parking,
because phase two parking, which is the north side of
the property, will not be done. So 120 spots.

3 I will say we've had two spring festivals and
4 two fall festivals on the land the last two consecutive
5 years where we've parked 183 cars, and we are able to
bring them on the property and off the property without
6 any difficulty. So we have had -- we have no traffic
study, but in the festivals we do have, which are
larger than our weekly gatherings, we've had no problem
getting on and off.

7 In terms of usage of the building, it will be
8 Sunday and Wednesday. The pastoral staff works Monday
through Friday, but in terms of services, our church in
the last eight years has operated on Sunday mornings
9 and Wednesday nights. So that's the occupancy or the
plan of schedule.

10 In terms of our congressional size, I know
there was concern about Grace Evangelical. They have
11 roughly 1,200 members. Journey Baptist Church has 123
members on record right now. So I understand there's a
12 fear in the future, but right now, you have to
understand, we are probably a 10th the size of Grace
13 Evangelical, and I hope that eases some of the worries.

CHAIRMAN PURCELL: Please.

14 ANTHONY KUNKEL: Anthony Kunkel, 5703 Meadow
Oak Terrace. Who's to say if you don't get approved
15 for this at 120 --

16 CHAIRMAN PURCELL: Sir? Please address the
board.

17 MR. KUNKEL: -- at 123 parking spots I believe
you decided to do phase two, because that's part of the
18 conditional use: We will just have to get a permit to
build on. Is that correct?

19 Two, they do have issues with people coming in
and out of there. I literally live in the back -- this
20 is my backyard. You can watch them come in and out,
and there's all kinds of traffic mess because you've
21 got people trying to turn onto 229, you've got people
coming off 229, and you've got a hill. There is a big
22 concern for traffic. There is -- They're saying three
lanes coming in and out. That's pretty tight. And if
you -- if you go make the observations, you can see it.
23 So those are my questions so far.

24 MR. PANIGOT: My name, once again, is Charles
Panigot. And this is why I said -- or this is why I
25 asked about a traffic study. A Highway is getting
loaded up. When I come north on A Highway to turn into
Meadow Oak, at the right time of day, I've got people

1 just literally driving up my rear end almost. They're
2 into the breakdown lane and they're passing on the
3 right, which there's no way to pass on the right
4 legally. Sooner or later we're going to have a bad
5 accident out there.

6 At some point the state is going to have to
7 redo that highway. It -- if you don't travel out
8 there, if you don't come out there, if you don't drive
9 out there and see the situation, the bridge coming off
10 of 229 onto A Highway, and then turning back north is a
11 terrible turn. The bridge is rough. The trash trucks
12 have wore it out. They've kind of bounced across it.
13 There's a lot of patch work across it.

14 The elevation to the north of the bridge is
15 lower than that, and you don't see the cars coming up
16 to the bridge. It's just a difficult situation out
17 there.

18 Like I say, if you don't come out there, you
19 don't see it, it's tough. It's going to have to be
20 redone. I understand they want to come out there,
21 they've wanted to come out there for four years, but
22 there needs to be a traffic study. I'm sorry.

23 CHAIRMAN PURCELL: Any other opposition?
(No response.)

24 CHAIRMAN PURCELL: Any other questions of the
25 board?

(No response.)

CHAIRMAN PURCELL: Hearing no further
questions, I will ask the board for a vote. Please
call the roll.

MS. THEAS: Rodney Fry?

MR. FRY: Yes, best use.

MS. THEAS: Al Purcell?

CHAIRMAN PURCELL: Yes, best use.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: Yes, best use.

MS. THEAS: Fred -- I'm sorry, Scotty Sharp?

MR. SHARP: Yes, best use.

MS. THEAS: Glen Frakes?

MR. FRAKES: Yes, best use.

MS. THEAS: And Mike Korte?

MR. KORTE: No, not best use.

CHAIRMAN PURCELL: Five yeses and one no. It
stands approved.

ITEM #2:

MS. THEAS: Okay, No. 2 on the agenda is
amending our zoning ordinance 102.1. I'm going to let
Josh Bachman explain that part of it.

MR. BACHMAN: So what we have here is -- and I
hope folks had a chance to look at my explanation here

1 on Item No. 2. We're not changing anything substantive
2 about our zoning order, but we're just making sure it's
3 consistent. So as I stated here, when -- when we first
4 had our zoning program put in place, we were a
5 second-class county. And so it was put in place under
6 the statute that authorized second-class counties to
7 have planning and zoning.

8 In 1990 Buchanan County became a first-class
9 county, and at that time it was decided to continue
10 with the second-class county statutes because there was
11 not deemed to be any advantage to switch to the
12 first-class county planning and zoning statutes, and
13 that -- and that still appears to be the case.

14 In 2014 a decision was made to change the
15 language in our planning and zoning order to say that
16 it is done pursuant to the first-class county statutes,
17 all right? Now -- and my apologies if I'm just making
18 this muddier and muddier. But it is a little
19 complicated, but we're not -- we're not operating
20 according to first-class county statutes. We're
21 operating according to second-class county statutes,
22 which is all fine and good, but we just want our order
23 here, that we have posted on the website and we have
24 paper copies of, to just state that accurately; and so
25 basically it's a bit of housekeeping is what it is.

Does anybody have any questions about that?

(No response.)

CHAIRMAN PURCELL: Well, as you've stated in
the notes, that it was in part an election, but an
election was not held, and this was in error. As you
further said: "No election has been held, and the
language of the zoning order is consistent with the
second-class statute and is inconsistent with the
first-class statute." And as you said: "Furthermore,
there's no -- appears to be no benefits switching from
second-class statutes to first-class."

My question is what's the difference in first-
class and second-class? Is there any difference?

MR. BACHMAN: So as far as counties is
concerned, it's what the assessed value of the property
is, and then -- and then that also sets the assessed
value of the property. So once the property in
Buchanan County reached a certain limit, which I guess
happened to be in 1990, we went from a second-class to
first-class county, which has different effects in
different areas. It depends the area of law or what
they're looking at, but that's the difference.

CHAIRMAN PURCELL: So when does the change in
the assessed value kick in, if there's a difference
between a class one versus class two?

1 MR. BACHMAN: I do not know. I can look that
2 up, but I don't have that handy. But it kicked in for
3 Buchanan County sometime in 1990 is when the assessed
4 value -- whatever level at that time was used -- for it
5 to become a first-class county. And I will say that
6 there were meetings from the minutes -- or minutes of
7 the meetings from this board in 1990 in which that was
8 evaluated and decided to continue with the second-class
9 county.

10 CHAIRMAN PURCELL: So in essence -- and so, if
11 I'm understanding you, Josh, the assessed value codicil
12 actually changed when it was deemed to be a first-class
13 county, although that was done in error?

14 MR. BACHMAN: Well, becoming a first-class
15 county was not done in error but, right, our stating in
16 this zoning order -- and this is in 2014, it looks
17 like -- stating that we are operating our planning and
18 zoning program pursuant to first-class county statutes
19 was in error, correct, because we could switch, but we
20 would need to have an election to do that; and, again,
21 there's really, there's no benefit to switching. All
22 of our -- in fact, this board is composed -- and this
23 was a good bit of confusion for me for the first six
24 months I had this job because the statutes this had
25 said we are operating under was inconsistent with how
this board is composed. And so -- and then finally
once I did some digging and talked to folks, we looked
through records and figured out, wait a minute, we're
operating under second-class statutes, which is
consistent with the number of people and where the
members of this board are from and other places we
operate. So, again, more or less it's a housekeeping
issue.

COMMISSIONER BURNHAM: If we want to stay
under second-class statutes?

MR. BACHMAN: Right. Now, if we want to do
what this says, the way it's currently written, that we
run under first-class statutes, then we've got to
effectively kind of decommission our zoning program,
have an election, and then reinstated under the
first-class.

CHAIRMAN PURCELL: What are the unintended
consequences if we approve this?

MR. BACHMAN: The only thing that I can see --
and I've looked at a few -- is that -- is that in the
years since 1990, if there has been some amendments to
this in error, that perhaps was done according to the
first-class statutes and then the second-class statutes
differ. However, in areas that I've looked at so far,
they are the same for as far as the difference. But if

1 we come across something where there is a slight
2 difference, then that is something we can address to
keep it consistent.

3 But, again, I think for at least the past
4 handful of years, there's been some confusion; and then
5 to complicate it further, there's a whole 'nother set
6 of statutes that also authorize counties who do
7 planning and zoning. So I think maybe at times folks
8 just had no idea what we were operating under. But we
9 really are operating -- legally, we should be under the
10 second-class statutes. And if you look virtually, all,
11 if not all, of this, it is consistent with the
12 second-class statutes and inconsistent with the
13 first-class statutes. That's my understanding.
14 Kristy, and I think Platte County continues to
15 operate --

16 MS. THEAS: Right.

17 MR. BACHMAN: -- as a second-class. That's
18 just the way their system is set up. There's no
19 advantage to switching to first-class.

20 MS. THEAS: Correct.

21 MR. BACHMAN: They adopted theirs while they
22 were still a second -- or first-class county.

23 CHAIRMAN PURCELL: Commissioners? Do you care
24 to make comment?

25 COMMISSIONER BURNHAM: Well, I think it needs
to be fixed, I mean, one way or the other, and, you
know, being based off of Josh's legal opinion, it
sounds like to me that the thing to do would be to stay
under the second-class statutes is probably the -- I
don't want to say it's the easiest thing to do, but
it's probably the best thing to do at this point,
because if we try to go to the first-class, it has
to -- we have to put it on the ballot; correct?

MR. BACHMAN: Yes.

MS. THEAS: Yeah.

COMMISSIONER BURNHAM: For voting people,
which I think may be very confusing.

MR. BACHMAN: Yes, yes. Again, confused by it
for at least a year.

COMMISSIONER BURNHAM: It's confusing for me,
so -- but I think in order to fix it, to make it right
within our guidelines there, we should -- I would
recommend that we stay in a second-class. Well, we're
a first-class county but we'll follow the second-class
statutes.

MR. BACHMAN: And we already are.
Essentially, what I'm proposing is is that we have the
paperwork reflect the reality.

COMMISSIONER BURNHAM: Yeah.

1 PRESIDING COMMISSIONER NELSON: And I'm
2 assuming that we don't know what happened in '14, I
mean --

3 MR. BACHMAN: We do. We have the minutes.

4 MS. THEAS: Yeah.

5 MR. BACHMAN: And it was a -- it was a
6 proposal that, at least based on the minutes, did not
7 have much substance to it. And, obviously, I mean, it
8 makes -- on its surface it makes sense: Well, we're a
9 first-class county, let's switch our language to first-
10 class county language. But it's just not that simple
11 of a switch, and it wasn't just a matter of switching
12 the first paragraph. Again, the whole composition of
13 this board, the whole composition of our board of
14 zoning adjustment, everything would change if -- if we
15 took sides --

16 MS. THEAS: Yeah.

17 MR. BACHMAN: -- on this matter's language.

18 MS. THEAS: A lot of things in error --

19 MR. BACHMAN: Yes.

20 MS. THEAS: -- would need to be changed.

21 CHAIRMAN PURCELL: Were there any actions
22 taken by the board since that particular time
23 that would not hold water or is there any problematic
24 with decisions that were made at all?

25 MR. BACHMAN: Well, and not as far as I can
tell. I cannot -- I cannot answer that definitively,
but here's the situation is, as far as I can tell, no.

But even if we don't make the change and we
end up finding a situation where our order is
inconsistent with the second-class county statutes,
we're going to have the problem, because if somebody
challenges us and says, hey, well, you enacted this
without any authority because you thought you were
operating under first-class county statutes but you
weren't, and so if we do find any inconsistency,
it's -- it's going to be a problem either way.

So we might as well start now with making sure
things start getting consistent first and foremost with
the opening paragraph of our order saying this order is
done pursuant to the correct statute. And then if we
do run into something that needs to be adjusted or
changed, we will cross that bridge when we come to it.
But either way, it's going to be a problem.

CHAIRMAN PURCELL: So this wouldn't change the
board composition, how many folks we have on the board,
because we represent townships and so the townships
would all be sacrosanct regardless of whether we're a
class one or class two?

MR. BACHMAN: Well, actually -- and it's been

1 a little bit since I reviewed what the requirements
2 would be under the first-class statute, but I will tell
3 you, again, if we are operating -- this board is
4 operating according to second-class statutes and that's
5 how we have it as far as how the folks are -- what the
6 residency requirements are, the number of individuals;
7 and if I'm not mistaken, if we were to switch to
8 first-class, like on board of zoning adjustment, that
9 would consist of commissioners. You know, it would be
10 all very different. Not necessarily wrong or bad, but
11 it would be very different. We have -- In practice, we
12 have continued to operate under the second-class
13 statutes, which is perfectly legal.

CHAIRMAN PURCELL: Yes. And you stated that
earlier in terms of how they use those words, but you
said the one area would be taxing assessed value.

MR. BACHMAN: No, no, on going from second to
first-class, that's been done, that has had no -- this
board has nothing to say about that.

CHAIRMAN PURCELL: No, I know this board
doesn't. But that would be the assessment office.

MR. BACHMAN: Right.

CHAIRMAN PURCELL: Outside the purview of this
board.

MR. BACHMAN: Right.

CHAIRMAN PURCELL: This group here.

MR. BACHMAN: Right.

COMMISSIONER BURNHAM: The assessed values,
that's what determine whether you're a class one or a
class two, and it's been determined that based on our
value, we're a class-one county.

MR. BACHMAN: Right.

COMMISSIONER BURNHAM: But we choose to
operate under the class-two statutes.

CHAIRMAN PURCELL: The total -- the total
assessed value, not individual assessed value.

COMMISSIONER BURNHAM: That's correct.

PRESIDING COMMISSIONER NELSON: The total of
the county.

MS. THEAS: Yeah.

CHAIRMAN PURCELL: The total of the county.

PRESIDING COMMISSIONER NELSON: The total of
land assessed. I think it's once you get over a
billion dollars or something like that, then you get
bumped up.

MR. CORNELIUS: And there's no problem with
that being class one and us operating as class two?

MR. BACHMAN: No, in fact, that's very
explicitly in the statutes --

UNIDENTIFIED SPEAKER: Read your statutes.

1 MR. BACHMAN: -- that if you're a county that
2 is -- that has implemented a planning and zoning
3 program, and then in subsequent years you become a
4 class-one county, you are free to continue operating
5 under those statutes, classes.

CHAIRMEN PURCELL: So is it clear to everyone?

6 MR. FRY: You said that Platte County is a
7 class one but they're running under a class two?

8 MS. THEAS: Correct.

9 CHAIRMAN PURCELL: Zoning and planning.

10 MS. THEAS: Zoning and planning.

11 MR. FRY: Right.

12 CHAIRMAN PURCELL: Right. They've had no
13 kickbacks or no bad situations?

14 MS. THEAS: No.

15 COMMISSIONER BURNHAM: This is really more
16 about just clearing up our language that we have.

17 MR. BACHMAN: Yeah, because, I mean, it took
18 me -- I've been at this job for eight, nine months now,
19 and it took a lot of work to figure out what the heck
20 is going on here because -- because every statute that
21 would seem to apply, it was inconsistent with our own
22 language, so it took a while to figure out: Oh, this
23 was adopted before we became a first-class county and
24 we've been operating under those same classes. But
25 really, yes, it is -- whether we vote to change the
language or not, the problem is still before us, so I'm
just proposing that we -- that we make this a lot
simpler for anybody that reads this ordinance or this
order, you know, concerned citizen, future attorneys,
future commissioners, what have you, to say, oh, this
is the statute, let me go look at the statute as well,
so it's all consistent.

CHAIRMAN PURCELL: Is there a motion -- is
there a motion to approve this recommendation?

MR. CORNELIUS: I make a motion to approve it.

CHAIRMAN PURCELL: Okay. Is there a second?

MR. FRANKS: Second.

CHAIRMAN PURCELL: Second? Okay. All that
support this say -- well, I guess I'll do a roll call.
Roll call.

MS. THEAS: Do you want me to go --

CHAIRMAN PURCELL: Yeah, please.

MS. THEAS: -- by person? Rodney Fry?

MR. FRY: Yes.

MS. THEAS: Al Purcell?

CHAIRMAN PURCELL: Yes.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: Yes.

MS. THEAS: Scotty Sharp?

1 MR. SHARP: Yes.
MS. THEAS: Glen Frakes?
2 MR. FRAKES: Yes.
MS. THEAS: And Mike Korte?
3 MR. KORTE: Yes.
CHAIRMAN PURCELL: Thank you, Josh.
4 (The motion carries.)

ITEM #3:

5 (A Zoom meeting was established and Black & Veatch
representatives Dusty Miller, Brian O'Neal and Tara
6 Mahin now appear.)

MS. THEAS: So the third thing on the agenda
7 tonight is going to be more solar farm discussion, and
I put in your packets all of the information that they
8 provided that you guys had asked for; and then the
sheet in front of you -- and I got the bigger maps
9 here. You guys had asked about prime farmland, you
know -- not prime farmland, what the solar companies
10 are interested in, so they just kind of did a Google
map of those, of those areas, and then if you needed to
11 see it in a bigger map, we had our GIS director print
some bigger maps.

12 Chairman Purcell asked Mike Korte to kick off
the discussion.

13 Mr. Korte said he would like to adopt some of
the things Callaway County has adopted. Mr. Korte
14 discussed the geography of Callaway County and said
there is a lot of concern facing solar farms on a
15 commercial level in Buchanan county. Mr. Korte thinks
Buchanan County needs to take this very seriously, that
16 solar farms take up more land and there's a more
serious environmental impact than wind turbines.

17 Mr. Bachman spoke about a conference he,
Kristy Theas and the Commissioners had with Black &
18 Veatch. Black & Veatch gave responses to what Mr.
Bachman, Ms. Theas and the Commissioners thought were
19 concerns the board might have.

Mr. Bachman shared his thoughts on the best
20 way to structure things going forward. He said the
whole process starts with the board and that Black &
21 Veatch has a good bit of expertise in the
practicalities of this type of ordinance.

22 Mr. Korte quoted from an article entitled
Environmental Impacts are Long Term. "Used solar
23 panels have many chemical waste components, including
such things as gallium arsenide, tellurium, crystalline
24 silicon, lead cadmium and heavy earth minerals. The US
EPA confirmed in 2018 that GenX and related compounds
25 are used to produce solar panels. Among the
environmental concerns of industrial scale solar farms

1 is a lack of state regulations governing the
2 decommissioning of the facilities and the safe disposal
3 of the solar panels after they wear out. Only five
4 states require a decommissioning plan, and that does
5 not include rules, only a plan. In addition,
6 decommissioning bonds are not required by most states."

7 Mr. Bachman said the board could put
8 decommissioning bonds and a decommissioning plan in
9 place.

10 Ms. Miller stated that the solar ordinances
11 they've seen are modeled off a template of wind
12 ordinances where they do require some kind of
13 decommissioning plan, at least, if not the plan and the
14 bond. It is common practice even if the state doesn't
15 have an overall law.

16 Mr. O'Neal commented that the information
17 they're getting from their engineering team is that
18 solar panels are designed sealed so leaking and
19 leaching from the operation is kept minimal. The
20 panels are not thrown in the landfill when they're done
21 with their useful life. They're tested for the kind of
22 waste they would be. If they are hazardous waste, they
23 would go to a hazardous waste landfill. If they are
24 solid waste, they would go to a solid waste landfill.
25 There are protections against chemicals that are used
in solar panel designs.

Chairman Purcell asked if there were any
questions from the board regarding notes that were sent
out with comments from Black & Veatch.

Hearing no response, Chairman Purcell asked
where the board was with respect to the recommendations
of Black & Veatch in terms of an ordinance; does the
board feel one is complete enough to adopt or does the
board need more information? The Chairman asked if the
board wanted to have a work session going line item by
line item through the ordinance proposed by Black &
Veatch.

Mike Korte moved to have a work session
outside the board meeting to discuss the ordinance
thoroughly and come up with a plan, including Black &
Veatch's work, in their proposal.

Mr. Cornelius seconded the motion.

Chairman Purcell called for a roll-call vote.

MS. THEAS: Rodney Fry?

MR. FRY: Yes.

MS. THEAS: Is this just for the work session?

CHAIRMAN PURCELL: Yes.

MS. THEAS: Al Purcell?

CHAIRMAN PURCELL: Yes.

MS. THEAS: Cody Cornelius?

1 MR. CORNELIUS: Yes.
MS. THEAS: Scotty Sharp?
2 MR. SHARP: Yes.
MS. THEAS: Glen Frakes?
3 MR. FRAKES: Yes.
MS. THEAS: Mike Korte?
4 MR. KORTE: Yes.
The motion carried.
5 Chairman Purcell asked for public questions or
comments with respect to a solar panel industrial
6 ordinance.
MR. KUNKEL: Anthony Kunkel. Can we see this,
7 what's being proposed as just a packet or whatever?
MS. THEAS: It's on the website. It's on the
8 Buchanan County Planning & Zoning website. It will say
Large Scale Solar -- Large Scale Solar Project, and
9 down at the bottom the draft is there, the utility
scale draft.
10 MR. KUNKEL: Okay.
MS. THEAS: And then also they gave us a
11 permit and plat approval from another county, you know.
MR. KUNKEL: So basically I have heard rumors
12 of this, so I happened to be here, so I'm glad to hear
it because I'd like to see what's out there.
13 MS. THEAS: Yeah, and I can get it for you, as
well, but it is on our website.
14 MR. KUNKEL: And I'm glad you're taking a work
session to make sure it's going to get done.
15 CHAIRMAN PURCELL: Would you give us your
address?
16 MR. KUNKEL: 5703 Meadow Oak Terrace.
CHAIRMAN PURCELL: Any others? Step forward.
17 BRENT ROBLES: Brent Robles, 3051 Southeast
Halleck, Faucett, Missouri, Crawford Township. So
18 during the work session, like was mentioned, the
degradation of panels, hazardous waste dumps, stuff
19 like that, where the closest dump is for hazardous
waste. The decommissioning of the panels happens
20 because they are uniform, right? They're heavily
designed not to, but they do have quite a few issues.
21 They fail and they degrade, their efficiencies fade, so
where do they take them? How far is it? Who have they
22 used in the past? How often? And things like that.
And are we going to go back and verify; right? So
23 things like that. Just verification mainly. Thank
you.
24 MR. BACHMAN: And if I may just hop in here,
those are excellent points for the board to consider,
25 and I would say some of those things that you brought
up are things, are questions that you would be asking

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of a potential developer. So they would have to come before you all, and those are the questions that you'd be asking of them on a case by case basis, I would say, and if you all, Black & Veatch, if you want to chime in on that, those are valid questions.

CHAIRMAN PURCELL: Any other discussions that need to come before the board?

(No response.)

CHAIRMAN PURCELL: Is there a motion to convene?

MR. FRAKES: So moved.

CHAIRMAN PURCELL: Second?

Are call it.

CHAIRMAN PURCELL: Aye?

(Unanimous aye.)

COMMISSIONER BURNHAM: Thank you, guys.

CHAIRMAN PURCELL: Thank you.

MS. MILLER: Thank you, guys.

(Hearing adjourned.)

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)
)
COUNTY OF BUCHANAN)

I, Karen J. Lyman, Certified Court Reporter of the State of Missouri, do hereby certify that I appeared at the time and place first hereinbefore set forth, that said proceedings were taken before me and thereafter transcribed into typewriting under my direction and supervision; and I hereby certify that the foregoing transcript of proceedings is a full, true and correct transcript of my shorthand notes.

I further certify that I am neither counsel, nor related to any party to said action, nor otherwise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my seal this 12th day of October, 2023.



Karen J. Lyman, CCR #395