

1 MINUTES OF THE BUCHANAN COUNTY
2 PLANNING & ZONING COMMISSION
3 MAY 15, 2024

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 Fred Corkins, Scotty Sharp, Glen
10 Frakes, Mike Korte, Rodney Fry, Pat McLearn, Cody
11 Cornelius, Wayne Barnett, and Al Purcell were present
12 for roll call and a quorum was present.

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

17 **AGENDA**

18 **ITEM #1:** A request by Eric Edick, The Little Ozarks
19 Campground, 4769 SE Pigeon Hill Road, Agency, to obtain
20 a Conditional Use Permit to place (6) "log cabin"
21 structures to rent for a nature experience on a 29.68
22 m/1 acre parcel all located in Section 24, Township 56,
23 Range 35.

24 **ITEM #2:** A request by Robert and Cheryl Searcy, 6860
25 SE Riverside Terrace, St. Joseph, to obtain a
Conditional Use Permit to split off 2 acres for
daughter to build a single-family dwelling on a 5.65
m/1 acre parcel all located in Section 6, Township 56,
Range 34.

ITEM #3: A request by Jennifer Pierce, 14911 SE State
Route MM, Agency, to obtain a Conditional Use Permit to
split (2) 2-acre parcels for family to build
single-family dwellings on a 10.39 m/1 acre parcel all
located in Section 9, Township 55, Range 34.

ITEM #4: To review draft and possible vote for
Utility-Scale Solar Energy Systems.

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

2 (Hearing commenced at 7:00 p.m.)

3 CHAIRMAN PURCELL: Good evening, Ladies and
4 Gentlemen, and thank you for your patience. We'll call
5 the meeting to order and, Kristy, if you would call the
6 roll.

5 MS. THEAS: Sure. Fred Corkins?

6 MR. CORKINS: Here.

6 MS. THEAS: Scotty Sharp?

7 MR. SHARP: Here.

7 MS. THEAS: Glen Frakes?

8 MR. FRAKES: Here.

8 MS. THEAS: Mike Korte?

9 MR. KORTE: Here.

9 MS. THEAS: Rodney Fry?

10 MR. FRY: Here.

10 MS. THEAS: Pat McLear?

11 MR. McLEAR: Here.

11 MS. THEAS: Cody Cornelius?

12 MR. CORNELIUS: Here.

12 MS. THEAS: Wayne Barnett?

13 MR. BARNETT: Here.

13 MS. THEAS: Shirley Day?

(No response.)

14 MS. THEAS: Al Purcell?

14 CHAIRMAN PURCELL: Here.

15 The minutes from our February 21st meeting
16 have been sent out and everyone has them, and so I'll
17 entertain a motion to approve the minutes from our
18 meeting.

(Indication by Mr. McLear.)

18 CHAIRMAN PURCELL: Pat, thank you. Is there a
19 second?

19 MR. FRAKES: I second.

20 CHAIRMAN PURCELL: Second? Thank you. All
21 those in support of the minutes say aye.

(Unanimous aye.)

21 CHAIRMAN PURCELL: Those opposed?

(No response.)

22 CHAIRMAN PURCELL: Hearing none, the meeting
23 minutes of February 21st have been adopted.

23 Kristy, would you read for the record what we
24 have on the agenda for this evening?

24 MS. THEAS: Yes. Item No. 1 is a request by
25 Eric Edick for the Little Ozarks Campground at 4769
Southeast Pigeon Hill Road in Agency, to obtain a
conditional use permit to place six log cabin
structures to rent for a nature experience on a 29.68,

1 more or less, acre parcel, all located in Section 24,
Township 56, Range 35.

2 Item No. 2, a request by Robert and Cheryl
3 Searcy, 6860 Southeast Riverside Terrace in St. Joseph,
4 to obtain a conditional use permit to split off 2 acres
5 for their daughter to build a single-family dwelling on
6 a 5.65, more or less, acre parcel, all located in
7 Section 6, Township 56, Section -- or Range 34.

8 Item No. 3, a request by Jennifer Pierce,
9 14911 Southeast State Route MM in Agency to obtain a
10 conditional use permit to split two 2-acre parcels for
11 family to build single-family dwellings on a 10.39,
12 more or less, acre parcel, all located in Section 9,
13 Township 55, Range 34.

14 Item No. 4 will be to review the solar
15 ordinance draft and for a possible vote on the Utility
16 Scale Solar Energy System.

ITEM NO. 1:

17 CHAIRMAN PURCELL: Thank you. On Item No. 1,
18 who's representing that particular request?

19 (Audience member(s) indicating.)

20 CHAIRMAN PURCELL: Would you please come
21 forward and state your name and your address.

22 MR. EDICK: Erik Edick, 4765 Pigeon Hill Road
23 Southeast --

24 CHAIRMAN PURCELL: Please speak up.

25 MS. THEAS: Yeah, because we don't have a
microphone because they buzz, so yeah, just talk --

MR. EDICK: Erik Edick, 4765 Pigeon Hill Road
Southeast, Agency, Missouri 64401.

CHAIRMAN PURCELL: Please.

MR. EDICK: Our goal with this land is to
create an area where people can go to enjoy nature in a
peaceful environment. We plan to offer 6 cabins, as
you said, with very basic features, along with areas
for primitive tent camping. It will have a shower
house and bathroom for sanitation. There will be no
hunting, there will be no shooting, fireworks, or
parties or loud music of any kind. We do have two
fairly large lakes and a small pond on the property
where people will be allowed to come and fish. We also
plan to put in some trails for walking and hiking
around the property, which also allow some access to
the conservation area to the north.

CHAIRMAN PURCELL: Any questions of the board?

MR. BARNETT: Is there only one drive into
there?

MR. EDICK: Correct.

MR. BARNETT: And you're going to put 6 of
them down there is what your plan is? How many people

1 live down that road now?
MR. EDICK: There's zero right now.

2 MR. BARNETT: There's houses down there, isn't
there?

3 MR. EDICK: No.
MR. VANCE: There's a forest that go through

4 properties.

MR. EDICK: Yeah.

5 COURT REPORTER: I'm sorry, who said that?
MR. EDICK: Are you talking about on the

6 property?

MR. BARNETT: Yeah.

7 (Interruption by the court reporter.)
MR. BARNETT: Yeah, on the property.

8 MR. EDICK: It was Tom -- (audible.)
MR. BARNETT: There's a house down there,

9 isn't there?

MR. EDICK: No, no, it was demoed.

10 MR. BARNETT: It was?
MR. EDICK: Yeah. It was a trailer.

11 MR. BARNETT: So there's no house down there
at all?

12 MR. EDICK: No.
MR. BARNETT: No one lives down that road?

13 MR. EDICK: No. It was actually demoed before
we got it. It was brush in a pile.

14 MR. BARNETT: What do you plan on doing for a
septic system?

15 MR. EDICK: There is an existing septic
system. So we're hoping we can utilize that. If not,
16 then we will just install another -- we may have to go
with -- what do you call it?

17 MR. VANCE: Anaerobic system.
MR. EDICK: Anaerobic system.

18 MR. VANCE: But we will install a system if we
can't recover the old one.

19 MR. BARNETT: Do you have plans for that in
making them or -- because the old system was for one
20 house, wasn't it?

MR. EDICK: Right.

21 MR. VANCE: Yeah.
MR. BARNETT: Now you're doing two --

22 MR. EDICK: Well, these cabins aren't going to
have laundry. They're not going to have -- they're not
23 going to have water --

MR. VANCE: In the cabins.

24 MR. EDICK: In the cabins, aside from maybe a
sink. There's a way to set that up.

25 MR. VANCE: There would be one trash and
shower.

1 MR. BARNETT: There would be more of a shower
house?
2 MR. VANCE: Yes.
 MR. EDICK: Yeah, there's going to be a
3 bathroom/shower house and there -- like, there won't be
any sort of amenities like in an actual house. It's
4 more like a camping-type cabin.
 MR. BARNETT: How do you attach these to the
5 concrete pad?
 MR. EDICK: The cabins?
6 MR. BARNETT: Yeah.
 MR EDICK: They -- they come in on skids.
7 They're the prebuilt ones that don't actually have to
attach to concrete. You can put it on gravel or
8 blocks.
 MR. FRAKES: How long you going to rent them
9 out for? A week, month, a year?
 MR. EDICK: Days. We aren't really sure.
10 MR. FRAKES: A day?
 MR. EDICK: Yeah.
11 MR. FRAKES: Wow.
 MR. BARNETT: So I have a question on the
12 liability. If you have a shed --
 MR. EDICK: Mm-hmm.
13 MR. BARNETT: -- is what these are, and high
winds, you know, God stuff upcoming.
14 MR. EDICK: Yeah.
 MR. BARNETT: What's the liability of you
15 renting them out and they're not fastened down?
 MR. VANCE: It would honestly take a tornado
16 because it's down in the valley. There's hardly any
wind down there. It's covered in trees, which is kind
17 of what we liked about the property. There's literally
trees everywhere.
18 MR. EDICK: There's no wind at all, honestly,
down there.
19 MR. VANCE: If we need to put tiedowns, he's
familiar, he used to install mobile homes. We can put
20 in tiedowns. It won't be an issue.
 MR. EDICK: Just like you would a trailer.
21 UNIDENTIFIED WOMAN: I'm sorry, he's yammering
there. I live down there, down in the bottom, and
22 there -- it's very windy down there. Excessively
windy.
23 CHAIRMAN PURCELL: Now, pardon me.
 MS. THEAS: You've got to wait, yeah.
24 CHAIRMAN PURCELL: If you would just hold on
just a minute because we will ask -- we will ask --
25 UNIDENTIFIED WOMAN: Oh, I apologize.
 CHAIRMAN PURCELL: We will ask for anyone

1 that's in opposition to come forward and speak.
UNIDENTIFIED WOMAN: I apologize.

2 CHAIRMAN PURCELL: And so -- It's quite all
right.

3 MR. CORKINS: This driveway is a shared
driveway; is that correct?

4 UNIDENTIFIED WOMAN: Yes, sir.

5 MR. CORKINS: Okay. And you drive past how
many homes to get to your property?

6 MR. EDICK: His house and one person beyond
that.

7 MR. CORKINS: Two houses to get to that
property?

8 MR. EDICK: Mm-hmm.

9 MR. CORKINS: Okay.

10 CHAIRMAN PURCELL: Are any other structures on
this particular --

11 MR. VANCE: There's an old garage.

12 CHAIRMAN PURCELL: Pardon me?

13 MR. VANCE: There's an old garage that's in
pretty bad shape.

14 CHAIRMAN PURCELL: And what's your business
model in terms of rentals? You indicated a daily --

15 MR. VANCE: Well, it used to be called The
Little Ozarks, which is kind of what we were going to
just kind of feed off of, where people come for the day
and fish and then pay daily to fish. We just built a
website to get the word around town plus post it on
social media, stuff like that.

16 MR. FRAKES: Anybody going to be there to
police this?

17 MR. EDICK: Well, he lives on the adjacent
property.

18 MR. FRAKES: You going to be there every day
if you got it rented out?

19 MR. VANCE: I'm there about every day.

20 MR. FRAKES: That's quite a bit, ain't it,
every day?

21 MR. VANCE: Right.

22 MR. EDICK: If he was gone or he needed to
leave town, I would be there.

23 MR. BARNETT: So if you charge people to fish,
you'd have to have a business license down there to do
that.

24 MR. EDICK: You have to have a business
license to fish?

25 MR. BARNETT: If you're paying -- people are
paying you.

MR. EDICK: Well, those people would be
somebody that's renting a cabin. We're not just having

1 people come rent to fish only. They would have to be
2 already staying there. We don't particularly want that
3 anyway.

CHAIRMAN PURCELL: Any other questions from
4 the board?

MR. FRY: So this will be seasonal? There
5 aren't going to be -- would somebody be there nearly
6 every day?

MR. EDICK: It's rare -- I imagine somebody
7 would come in the winter.

MR. FRAKES: You talked about having in the
8 vicinity people putting up tents. How many tents are
9 going to be allow -- are going to be allowed in there?

MR. EDICK: We don't really have a limit set
10 for that.

MR. FRAKES: You don't have a limit?

MR. EDICK: No, we don't have one set. Maybe
11 five or ten. Once you -- it would kind of depend on
12 how many of the cabins were rented out. If you get a
13 bunch of people in there, you kind of lose the peaceful
14 aspect of it. If the cabins were fully rented, we
15 probably would only allow, like, five, six people if
16 they weren't being double rented.

CHAIRMAN PURCELL: What's your vision of the
17 total number of people there at any one time at the
18 peak?

MR. EDICK: 20?

MR. VANCE: 20 tops.

MR. EDICK: Yeah.

CHAIRMAN PURCELL: How many?

MR. VANCE: 20.

CHAIRMAN PURCELL: 20?

MR. EDICK: Yeah.

CHAIRMAN PURCELL: Would you allow alcohol?

MR. EDICK: No. We won't be selling it. I
19 mean, we couldn't stop them from bringing it in and
20 putting it in the cabins.

MR. VANCE: We're not going to encourage it.

MR. EDICK: There won't be any alcohol, like,
21 on the trails or out on the water, anything like that,
22 but whatever you keep within your belongings is, I
23 mean.

MR. BARNETT: How many people in each cabin?

MR. EDICK: They're tiny cabins, so it's like
24 studios, so probably two max. They're like a 10x20.
25 I'm sure you've all seen those, the prefabbed sheds
with a little porch on the front.

MR. FRAKES: How many square feet are there in
the whole cabin?

MR. EDICK: 200 square feet.

1 MR. FRAKES: How many?
MR. EDICK: 200 square feet.
2 MR. VANCE: No, some of them aren't even that.
MR. EDICK: That would be counting the porch,
3 so -- 180.
CHAIRMAN PURCELL: And each cabin will have
4 utilities?
MR. EDICK: No.
5 MR. VANCE: Power.
CHAIRMAN PURCELL: Power?
6 MR. EDICK: Yeah, we'll put power to them, but
it will be minimal, an outlet and a light.
7 MR. FRAKES: Is there power running back
there?
8 MR. VANCE: Yeah.
MR. EDICK: Yes.
9 CHAIRMAN PURCELL: Any further questions?
(No response.)
10 CHAIRMAN PURCELL: Is anyone here -- If
there's no further questions of the board, is anyone
11 here in opposition?
(Multiple hands raised.)
12 CHAIRMAN PURCELL: Okay. What we'd ask, we
would ask you, please, gentlemen, if you would have
13 your seat, and let's go in order. Whoever would like
to come front and center first, please. Whoever is in
14 opposition, please come forward, state your name, if
you would, and also your address, and if you would be
15 so kind to speak up.
MS. CAMARENA: My name is Tricia Camarena. My
16 address is 4763 -- or as you guys have me on the books,
4761 -- Pigeon Hill Road Southeast, Agency, Missouri
17 64401.
CHAIRMAN PURCELL: And help the board, is
18 that, like, right next door? Is that --
MS. CAMARENA: Our -- part of our property
19 line is with theirs so it runs concurrent.
UNIDENTIFIED WOMAN: They touch.
20 MS. CAMARENA: They touch, so, yeah. The
trails that they're talking about putting in and stuff,
21 how can they guarantee that no one's going to come onto
our property? Like, we have our property. We're out
22 there. It's peaceful. That's the reason we live
there. We love it there, you know? We don't want
23 other people coming on the property. It's a one,
one-lane drive all the way down. The drive comes down
24 and it T's off. So the T is where they go onto this --
I forgot his name -- but the other --
25 UNIDENTIFIED WOMAN: Shawn.
MS. CAMARENA: -- guy's property, Shawn's

1 property, and down into theirs, and then it T's off and
2 ours goes down this way. But it's still one lane all
the way down there.

3 We have a special needs -- I was going to say
4 child but special needs person down there. It's --
5 it's -- it's too invasive. It's -- there's no point in
6 it. I don't see the reason it. I just, yeah. There's
7 a lot of things just down there. So I'm, I'm opposing
8 it because there's -- they can't guarantee a lot of
9 this stuff.

10 The winds, like they said, they're not going
11 to anchor it down. Those winds took up my sister's
12 brand new shed that we had into the ground. The wind
13 took it up out of the ground, and we had to go get a
14 new one, you know. So it's not just that, it's
15 everything, the environment and the this and that.

16 And then they said five to ten tents. Well,
17 where are they going to be? Because their property
18 runs with ours. So how are they going to guarantee us
19 that they're not on our property? And someone's there
20 all the time? Are they going to be there 24/7 and make
21 sure that no one's doing anything that they're not
22 supposed to be doing? You can't, you can't guarantee
23 something like that.

24 CHAIRMAN PURCELL: Thank you. Anyone else in
25 opposition, please step forward and state your name and
your address.

MS. PATTON: I'm Kim Patton. This is my
husband Shawn Patton. We own 4501 Pigeon Hill Road,
4601 Pigeon Hill Road, and 4767 Pigeon Hill Road, so we
surround them on three sides, this property they want
to build this on.

Where do I start? The reason that we live in
the country is we moved from South 14th and Messanie
where we had, like, all our property and our daily
business. We had to worry about our vehicles, we had
to worry about people stealing from us. We couldn't
let our kids outside to play because we had to worry
about what was going on in the neighborhood.

So we found an opportunity to move to a nice,
peaceful place in the country where I could send my
daughter to Mid-Buchanan school and she had a good
education, and it's quiet.

And if you come bringing people -- Nobody
really knows about where we live unless you live in
that area. And if you come bringing a bunch of people
in there, that is going to add to potential crime. I
mean, right now nobody knows what I own unless they
drive by. But as soon as people start coming to look
for The Little Ozarks, then, I mean, everything I own

1 is on public display.

2 I have an eight-year-old daughter that can
3 play in my yard without me worrying about who's driving
4 by. And, I don't know, just bringing all this to my
5 neighborhood is the reason that I moved from St. Joe.

6 Let's see, what else do you want to say?
7 Chime in here.

8 MR. PATTON: Well, they got to go through
9 somebody else's property to get to their property, and
10 then they come through our property to get to their
11 other property. That one-lane shared driveway is --
12 it's undersized, and it's basically, they're opening my
13 personal driveway up to everybody and anybody at any
14 given time, 24 hours a day. It butts right up almost
15 next to our house. Or our secondary house.

16 MS. PATTON: We are located at 4767 Pigeon
17 Hill Road. You have to cross our property to access
18 their property that they want to build these cabins on.

19 MR. CORNELIUS: Is that where you guys live is
20 right there where the road Y's?

21 MR. PATTON: My parents live over there.

22 MR. CORNELIUS: Okay.

23 MR. PATTON: I actually bought that to remodel
24 it. So actually the family's going to be there. And
25 we live around the corner in a big two-story house that
also butts up to the property.

MS. PATTON: And then we have another 10 acres
on the other side there that also butts up to their
property.

MR. PATTON: So it's almost like they're
camping in the backyard.

MS. PATTON: And you cannot tell me that
people that are out camping, exploring the woods, are
going to stay on their property. As it is now, sound
carries. I mean, I can hear their dog barking all the
time from my property on 4501 Pigeon Hill Road. So you
can't tell me that people who are going to be there
camping, that they're not going to be able to hear
whatever's going on.

I mean, people are going to party. They're
there to relax.

MR. PATTON: Not to mention, I -- you know,
I'm an outdoorsman, I like to hunt, you know, and I got
people walking around through the woods back there. Is
it safe to shoot, you know? Now I can't hunt my
property because I have to worry about somebody else
walking around, you know. And what's it going to do to
our property values too? If we were to decide to sell,
what's it going to do -- what kind of damage will it do
to us on the financial end of it?

1 CHAIRMAN PURCELL: Thank you. Anyone else?
Please.

2 MR. McLEAR: Yeah, I've got a question, not
3 necessarily for you but anybody that's here in
4 opposition, but you'll do. Did anybody think to call
5 their homeowners insurance company to find out how long
6 they'll insure you when they find out that a road,
7 which is an easement almost, right --

8 MRS. PATTON: Mm-hmm.

9 MR. PATTON: That's what it is.

10 MR. McLEAR: -- for a business? I mean, I
11 can't imagine them insuring you very long.

12 MR. PATTON: Yeah, I wish I'd thought about
13 that.

14 MS. PATTON: We didn't think about that.

15 MR. McLEAR: Somebody should have called.

16 MS. PATTON: I know my dad has told me how he
17 built our property and had to find out, but I'm sure
18 they won't.

19 UNIDENTIFIED MAN: Yeah, ours is insured as
20 well, but, yeah, you're right. I didn't even think
21 about that. There is a possibility that they might
22 not want the liability of it turning into a public
23 place.

24 MR. McLEAR: Insurance companies want their
25 premium, but they don't want any risk. And if you're
talking about multiple travelers up and down a shared
road, they're not going to --

 MR. PATTON: A single access road.

 MR. McLEAR: In my way of thinking, they're
not going to insure it.

 CHAIRMAN PURCELL: Is there anyone else in
opposition? Thank you.

 If there's anyone else in opposition, please
come forward, and instead of me repeating myself, you
know the drill.

 PAM HOSTETLER: Okay. My name's Pam
Hostetler, and my mom is Helen Rae, and I'm
representing her and my brother. We own the land on
both sides of the easement of the road. So we are very
concerned with the liability exposure because you're
going to go down the easement. We gave them the
easement about five, six, seven years ago. So our --
we have exposure on both sides of the road, and it is a
narrow road. And I can remember when the original
fishing lakes was open, and it made quite a bit of
traffic. So we are concerned with exposure and
traffic, because you're not going to be able to see,
when you're coming out of there, that there's somebody
else coming.

1 CHAIRMAN PURCELL: Thank you.

2 MR. WILLIAMS: I'm Carl Williams. I live at
3 4654 Southeast Pigeon Hill Road, Agency. My property
4 is right across the road from where Shawn and Pat -- or
5 Kim's property is. I own the property that they now
6 own, ten acres. I sold it to them. And I agree a
hundred percent about the excess traffic. I'm
constantly running people off of our property as it is
now, mushroom hunters, explorers, off of Shawn's
property and myself. I have 40, almost 42 acres right
there.

7 When you come out of -- where they're wanting
8 to put this in, you come out of the timber, they're
9 talking straight up through Shawn's property, cross the
10 road into my timber. So if they're not going to have
11 somebody there policing it 24/7, we don't need the
extra traffic, the trash, you know. So, I'm sorry,
they can't say they're not going to allow alcohol.
They can't guarantee that, drunk drivers on the road,
kids playing in the front yard. So I'm opposed to it a
hundred percent. Thank you.

12 MS. CAMARENA: May I add one more thing?

13 CHAIRMAN PURCELL: Is there anyone else?
Please. Do you have something new to add?

14 MS. CAMARENA: Yes, I just want to bring up --

15 COURT REPORTER: Would you state your name
16 again, please?

17 MS. CAMARENA: My name is Tricia Camarena. I
18 just wanted to state, they had said that there would be
no gunfire or anything down there, but not too long ago
my granddaughter and me were out there, and one of them
was down there with some friends firing guns. So if
there was going to be no gunfire down there, why would
you be down there in the first place using it for
target practice?

19 CHAIRMAN PURCELL: Okay.

20 MS. CAMARENA: And the only reason I know is
because my five-year-old granddaughter was with me
outside when they were firing.

21 CHAIRMAN PURCELL: Is there anyone else here?

22 MS. GRIES: I'll go.

23 CHAIRMAN PURCELL: Please.

24 MS. GRIES: Stacey Gries, 4763 Pigeon Hill
25 Road. I'm sorry, I'm in a lot of pain. I agree with
everybody here. One thing I would like to know,
besides the no fireworks, how are you going to prevent
that on the 4th of July? You can't. It's out in the
country. Nobody has any say back there. You can't
force somebody not to shoot fireworks. Okay? You're
going to have a little bit of electricity. What about

1 campfires? Are you going to allow 'em? Not going to
2 allow 'em? How are you going to prevent 'em? Yeah,
3 our insurance is going to drop us. What are we going
4 to do then?

5 I've been out there for -- since I was two
6 years old, and I'm 50. I don't want to see this turn
7 into another mini city where we have trash, where we
8 have people coming on our property that's so full,
9 where we have maybe a total fire taking out everything
10 because somebody just doesn't care because it's not
11 theirs or it hasn't been in their family for years.
12 Because this property has, and that's not something I'm
13 willing to give up at all.

14 So I am -- I am begging you guys to please not
15 let this go through. Because there's just too many
16 negatives in this proposal. And a lot of them have
17 been brought up by other people besides me.

18 But how would you feel if somebody was coming
19 out onto you, and you've got a single-lane driveway? I
20 have a niece that's 24 years old that is completely --
21 she has seizures from grand mals and always has, and if
22 you've got all this traffic coming in and out, what
23 about a freaking ambulance trying to get down there to
24 get her if we've got to get her out and they get stuck?

25 My mom died on that property because we
couldn't get an ambulance down there. No. I don't
want to see that happen again. Thank you.

CHAIRMAN PURCELL: Anyone else wish to speak?

MS. THOMASON: LaCinda Thomason, 4763 Pigeon
Hill, Agency, Missouri. So the handicapped person
they're bringing up is my daughter. She is completely
special needs. She's wheelchair bound. She's
non-verbal. She relies on me for everything. We just
recently moved back here from Seattle, Washington,
because when she was five, we were told she was not
expected to live. I want her to be with her family,
and we moved home. I don't want the move home be what
takes her from me. I want her to have 24 more years,
and I will fight to keep her for 24 years.

If fire starts out, there's no way I can get
her out of the house and out of that property in time
to save her life or my own or my sisters', who are both
down there, too, or my other adopted children that are
down there on that hill.

I am completely against having more traffic.
It's peaceful down there, it's calm, and it's helping
her. Because it's not so hectic, her seizures aren't
as bad right now. By doing this, it's putting her
health in risk, and it's not something I can allow,
it's not something I can let happen without knowing I

1 fought to keep her with me however I can. So I'm just
2 asking please, please do not allow this to go through.
3 Please give me more years with my daughter down there
4 where I know she's safe and she's protected.

5 No one else comes down there. Nobody knows
6 where we are. I don't have to worry about finding some
7 stranger in my yard looking at her, because she still
8 looks like a ten-year-old little girl, right? I mean,
9 please don't let this go through. That's all I can
10 say.

11 CHAIRMAN PURCELL: Anyone else wish to speak?
(No response.)

12 CHAIRMAN PURCELL: Hearing none, I'll close
13 the meeting, and will you please call the roll.

14 MS. THEAS: Fred Corkins?

15 MR. CORKINS: No, not compatible.

16 MS. THEAS: Scotty Sharp?

17 MR. SHARP: No, not compatible.

18 MS. THEAS: Glen Frakes?

19 MR. FRAKES: No, not compatible.

20 MS. THEAS: Mike Korte?

21 MR. KORTE: No, not compatible.

22 MS. THEAS: Rodney Fry?

23 MR. FRY: No, not compatible.

24 MS. THEAS: Pat McLearn?

25 MR. McLEAR: No, not compatible.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: No, not compatible.

MS. THEAS: Wayne Barnett?

MR. BARNETT: No, not compatible.

MS. THEAS: And Al Purcell?

CHAIRMAN PURCELL: No, not compatible. So
your request has been, has not been approved. And you
do have the opportunity to appeal this, should you so
desire. Thank you.

ITEM NO. 2:

CHAIRMAN PURCELL: Item No. 2 on the agenda,
those folks representing this, please step forward.

MR. SEARCY: Robert Searcy, 6860 Southeast
Riverside Terrace, St. Joseph, Missouri 64507.

CHAIRMAN PURCELL: Just hold on just a minute
while we -- Did you say Robert?

MR. SEARCY: Yes, sir.

CHAIRMAN PURCELL: Yeah, please.

MR. SEARCY: Yeah, we are wanting to take a
couple acres, and we want to take a parcel and give it
to our daughter. She actually now lives in Wallace,
Missouri. She has actually grown up on this property,
her and her sister, both grown up there, went to school
there, got on the school bus there, went to school.

1 Three years ago she lost her husband, and she's got
2 two -- we got two lovely grandsons from her, and she
3 just needs a little help. Grandsons are all in sports
4 and she's -- she's worked at Altec for almost 20 years.
5 She's a supervisor and she goes in to work -- got to
6 start at five o'clock in the morning, and it just --
7 she needs help with the boys. So we just thought we'd
8 deed a couple acres to her and go from there.

9 CHAIRMAN PURCELL: Questions of the board?

10 MR. CORKINS: Are you going to build the house
11 where the barn is now, then?

12 MR. SEARCY: Yes, sir. The barn is down.
13 We've taken it down. We haven't got it all tore out
14 yet because of the weather.

15 MR. CORKINS: Right.

16 MR. SEARCY: But the barn is down, and that's
17 where we was going to put the house.

18 MR. CORKINS: Will it be a stick-built house
19 on a basement or is it crawl space?

20 MR. SEARCY: No, it's going to be on a slab,
21 slab house.

22 MR. CORKINS: Slab house?

23 MR. SEARCY: Slab house. She just wanted a
24 three bedroom, open. She's looking to have Jamesport
25 Builders build it for her.

MR. CORKINS: Okay. Stick-built house?

MR. SEARCY: Metal, she likes metal. She
likes her metal.

MR. CORKINS: Okay.

MR. BARNETT: Are you going to put in another
driveway for that?

MR. SEARCY: She'll probably come up ours and
then I'll just continue it on around the corner there,
just right there. It's just her and -- well, the
oldest grandson has his car now, so it would just be,
you know.

MR. CORKINS: Is there a spot on Riverside
where a driveway could be put in --

MR. SEARCY: Yes, there is.

MR. CORKINS: -- in the future if, you know,
if --

MR. SEARCY: It could be.

MR. CORKINS: We don't live forever so
something, you know.

MR. SEARCY: Yeah, no, no, I get it. Our
property is, the first part is, like, almost six acres.
The first part is, there's like three acres there, and
then the back part was a pasture where the barn was.

MR. CORKINS: Right.

MR. SEARCY: And then I could take -- if it

1 needed to be, we could always go to the north side of
2 our property there and put a driveway right up to
that house.

3 MR. CORKINS: Right out to the interstate?
Okay.

4 MR. SEARCY: It can be done.

5 MR. CORKINS: Okay.

6 CHAIRMAN PURCELL: Any further questions?
(No response.)

7 CHAIRMAN PURCELL: Hearing no further
8 questions, is there anyone here in opposition?
(No response.)

9 CHAIRMAN PURCELL: Hearing no opposition, I
will call this closed and ask for the roll call.

10 MS. THEAS: Fred Corkins?

11 MR. CORKINS: Yes, family use.

12 MS. THEAS: Scotty Sharp?

13 MR. SHARP: Yes, family use.

14 MS. THEAS: Glen Frakes?

15 MR. FRAKES: Yes, family.

16 MS. THEAS: Mike Korte?

17 MR. KORTE: Yes, family use.

18 MS. THEAS: Rodney Fry?

19 MR. FRY: Yes, family use.

20 MS. THEAS: Pat McLearn?

21 MR. McLEAR: Yes, family use.

22 MS. THEAS: Cody Cornelius?

23 MR. CORNELIUS: Yes, family use.

24 MS. THEAS: Wayne Barnett?

25 MR. BARNETT: Yes, family use.

MR. THEAS: And Al Purcell?

CHAIRMAN PURCELL: Yes, family use. This has
been approved.

MR. SEARCY: Thank you all.

UNIDENTIFIED WOMAN: Thank you.

ITEM NO. 3:

CHAIRMAN PURCELL: Item 3 on the agenda, would
whoever's representing this please come forward.

MS. PIERCE: Jessica Pierce, P-I-E-R-C-E,
14911 Southeast State Route MM, Agency, Missouri.

CHAIRMAN PURCELL: You're Jennifer?

MS. PIERCE: Yes, I'm Jennifer.

CHAIRMAN PURCELL: Yeah, thank you.

MS. PIERCE: Hi. I'm here to ask to be able
to split part of our property into two separate parcels
of two acres each, one for my sister, one for my
daughter. When my dad bought this property, this was
kind of what he was hoping was our family would be
completely able to move onto it. I did a few years
back have to sell the back half because there was some

1 major issues with the home, so I had to have the money
2 quickly be able to fix it because there was a -- the
3 front part was starting to fall in, and in order to
4 save the house, I had to do something.

5 So I did have to sell some of it, and it
6 wasn't what I wanted to do, but with what's left, I
7 would like for my sister to have part of it and my
8 daughter to have part of it, and then my other daughter
9 will eventually, when I pass, will get the home. So
10 that's just basically what I'm asking because that's
11 what my mom and dad always wanted to have happen, was
12 that my grandkids would be able to grow up together and
13 family would always be able to be together.

14 My sister is on the trust so she is partial
15 person of the land anyway. It's just that I am the
16 primary trustee of the home and the property.

17 CHAIRMAN PURCELL: Questions?

18 MR. BARNETT: Are you going to have the
19 driveway come off of MM or are you going to have it
20 come off of 80th?

21 MS. PIERCE: No, when we talked to the people,
22 it would have to come off --

23 MR. BARNETT: 80th?

24 MS. PIERCE: When we talked to -- I talked to
25 the post office, they said it would most likely come
26 off the 80th Road line.

27 CHAIRMAN PURCELL: What are your plans? What
28 types of structures are you planning on building?

29 MS. PIERCE: I know my sister is looking at
30 the concrete pad with the modular permanently. My
31 daughter and her husband, they were going to want to
32 move in quicker, but they're looking more into -- they
33 don't know if they want to do the modular temporarily
34 and then they're going to go in and build a stick home
35 then is what their plans are to do.

36 MR. BARNETT: So you're talking modular,
37 you're not talking a mobile home?

38 MS. PIERCE: No, not mobile home. They're
39 talking -- they're talking one that looks like a house.
40 It's going to be like a house.

41 MR. CORKINS: On a -- on a foundation?

42 MS. PIERCE: Yeah, it will be on a concrete
43 base. And then Shelby's will -- they will eventually
44 be building like a full stick home or --

45 MR. FRAKES: How close will they be to one
46 another, the houses?

47 MS. PIERCE: Well, on there it looks really,
48 really close, I know on the piece of paper that the
49 people gave me, but it's not really -- one will be
50 closer to the MM side and one -- and a little further

1 back but -- and the other one will be a little closer
to the road up higher, so closer to the 80th side.

2 I don't know how to exactly explain it, I
3 don't have a map, but there used to be a set of grain
bins there. I don't know if you can kind of tell that
4 from the map, but -- yeah, and that's more where my
sister is going to be on that side.

5 MR. CORKINS: Towards the corner.

6 MS. PIERCE: Yeah, a little bit further down
towards that creek line, and then Shelby's going to be
7 further -- a little bit further over and, you know,
closer to the road. So they're going to be more
8 separated away from each other. And then they're going
to -- they don't want to be so close to the Palmers,
9 you know, so they'd make sure they have enough line,
and they're going to try and build a tree line up in
there so it's kind of blocked and everybody has their
10 privacy. That's the future plans.

11 CHAIRMAN PURCELL: Any additional questions?
(No response.)

12 CHAIRMAN PURCELL: Hearing none, is anyone
here in opposition? Please, would you step forward.

13 MR. SCOTT: My name is Kent Scott, 14440 80th
Road Southeast, Agency 64401. I'm not going to say
14 necessarily opposition. I'd just like some
clarification.

15 The house that you're talking about on 80 th
Road is where the switch grass is all in there?

16 MS. PIERCE: Yeah, in that east (inaudible.)

17 MR. SCOTT: South of the (inaudible.)

18 CHAIRMAN PURCELL: Mr. Scott? Mr. Scott,
would you please --

19 MS. PIERCE: I'm sorry, I was just trying to
figure out where the house is.

20 CHAIRMAN PURCELL: Yeah, please address us.

21 MR. SCOTT: Pardon me?

22 CHAIRMAN PURCELL: Just address the board.

23 MR. SCOTT: Oh, okay.

24 CHAIRMAN PURCELL: And if you have any other
questions, we certainly will inquire of Jennifer.

25 MR. SCOTT: Okay, my question will be where
is -- are the houses going to be located?

26 CHAIRMAN PURCELL: So where are the houses
would be -- so that's your question?

27 MR. SCOTT: Mm-hmm.

28 MS. THEAS: Let me take a map and have
Jennifer come up front and show him.
(Inaudible - Multiple people speaking at
once.)

29 MR. SCOTT: So we have water out -- Am I

1 addressing you correctly, Al?

2 We have a waterway coming through this side of
3 your property and one coming through this side of the
4 property, and the perk test is what I was concerned
5 with, as well as neighbors, okay? If it didn't perk
6 out -- which I don't know how all that works -- but the
7 concern also was a lagoon.

8 MR. CORKINS: There's no room for a lagoon
9 there.

10 MS. THEAS: There's not room. Yeah. That's
11 what I was saying is that it wouldn't meet setbacks
12 with that.

13 MS. PIERCE: The land wouldn't, didn't -- the
14 land -- when the guy came, it didn't perk out anyway.
15 The land is not made where it would handle a lagoon.
16 We couldn't have done a lagoon. And it didn't perk
17 out.

18 MS. THEAS: Too much clay, yeah.

19 MR. CORKINS: You have to have a special line.

20 MR. SCOTT: I was going to say because that
21 goes through you guys, through the Palmers' and back --
22 that goes back through me on the east side.

23 MS. PIERCE: So it perked out, this section
24 all perked out up here.

25 MR. CORKINS: You've had -- you've had soil
tests done?

MS. THEAS: Mm-hmm, yes, and they sent -- they
sent them to me.

MR. CORKINS: All right.

MS. THEAS: But just not in time for me to put
in your guys's packets.

MS. PIERCE: So it's all been -- we did the
perk test -- well, I shouldn't say we, Stacy did. They
had a perk test, and it all perked out where they're
building.

MS. THEAS: For a conventional hook-up.

MS. PIERCE: For a conventional system.

MR. CORKINS: Okay. Up here, yeah.

MR. SCOTT: And this -- both will be modular,
yeah, modular homes? And a stick-built home -- if you
bring in a mobile and put it on a foundation, it's
considered a stick-built home, is it not?

MS. THEAS: No, modulars are -- the definition
is different.

MR. CORKINS: Modulars --

MS. THEAS: They don't have titles.

MR. CORKINS: Modulars come in on a trailer
and are set with a crane. There's no --

MS. THEAS: Yeah, and they're just modular
because they're built off-site.

1 MR. SCOTT: Okay.
MS. THEAS: A trailer would be on axles.
2 MS. PIERCE: It would be like what I had there
originally.
3 MR. SCOTT: All right.
MS. PIERCE: That was a trailer. Theirs is
4 going to be even shorter, it's wider, actually home --
MS. THEAS: They are different.
5 MR. FRY: Insurance companies classify those
the same as a stick-built home.
6 COURT REPORTER: I didn't hear you, I'm sorry.
MR. FRY: An insurance company classifies it
7 the same as a stick-built home.
MS. THEAS: It's a modular.
8 MR. SCOTT: I don't have any other questions.
This is awful wet back there and I don't -- that's
9 concerning if the septic system would leach into the
water going to the Palmers' and again on back to me.
10 So --
MS. PIERCE: And the septic is like, that
11 perked out, theirs is up there.
MS. THEAS: In the front?
12 MS. PIERCE: Yeah, that's what I have.
MR. CORKINS: You have to pump it up there,
13 Jen.
MS. PIERCE: That map that was sent to you was
14 very misleading because it looks like they were sitting
on top of each other and they were, like, literally way
15 apart.
MS. THEAS: Yeah, I mean Fred's going to
16 answer a few questions about that for you.
MR. CORKINS: It's going to be pumped up to
17 the better ground, up to higher ground out of the wet.
That is done all the time.
18 CHAIRMAN PURCELL: Pat?
MR. McLEAR: Yeah, I've got a question for the
19 guy with the K-State shirt. Where is your property on
this map?
20 MR. CORKINS: North.
MR. SCOTT: My property, I've got -- sit on
21 this 40 acres right here.
MS. THEAS: Yeah.
22 MR. SCOTT: Or excuse me. Let me point this
out, if I may. I sit on this 40 here. This water and
23 this water converge.
MR. McLEAR: Where's your property? Is it
24 over here?
MR. SCOTT: It's here, all of this, yes.
25 MS. THEAS: Yeah, it's towards the back, yeah.
MR. McLEAR: Okay. That's what I wanted to

1 know.
2 MR. SCOTT: These two come through up there.
3 MR. CORKINS: Stanton Quarry. Do you remember
4 where the rock quarry was? That's where Kent is.
5 CHAIRMAN PURCELL: Is there anyone else here
6 in opposition?
7 (No response.)
8 CHAIRMAN PURCELL: Hearing none, we will close
9 the meeting and ask for the roll call.
10 MR. CORKINS: I think --
11 CHAIRMAN PURCELL: Please.
12 MR. CORKINS: -- I'd like some stipulations.
13 MS. THEAS: A set of conditions?
14 MR. CORKINS: Yes.
15 MS. THEAS: Okay.
16 MR. CORKINS: It is on concrete and it's a
17 modular. No --
18 MS. THEAS: Okay.
19 MR. CORKINS: -- no mobile homes. I would make
20 that motion.
21 CHAIRMAN PURCELL: Yes, okay.
22 MR. KORTE: I'll second.
23 CHAIRMAN PURCELL: Those that support that,
24 say aye.
25 (Unanimous aye.)
CHAIRMAN PURCELL: Those opposed?
(No response.)
CHAIRMAN PURCELL: The second one would be
since this is a conditional use, and one of the
recommendations to it is that this cannot be subdivided
again.
MS. THEAS: You wouldn't be able to.
MR. CORKINS: Correct.
CHAIRMAN PURCELL: Okay. And so that just
is -- it cannot be subdivided again.
MS. THEAS: Yeah.
MS. PIERCE: Yeah, the remaining would go to
my daughter, my other daughter afterwards, or my other
remaining grandchildren I have.
CHAIRMAN PURCELL: So based on the zoning
regulations, we do not have to --
MS. THEAS: Correct. They couldn't split it
again.
CHAIRMAN PURCELL: You just can't.
MS. THEAS: Yeah.
CHAIRMAN PURCELL: So we'll --
MR. CORKINS: What I said goes for both
properties.
CHAIRMAN PURCELL: Yes.
MS. THEAS: Correct, the conditional use

1 permits, yes.
MR. CORKINS: Okay.

2 MS. THEAS: For the modular and then the slab
in. Your motions and then Mike seconded.

3 CHAIRMAN PURCELL: And then we approved it.
MS. THEAS: Yeah.

4 CHAIRMAN PURCELL: Yeah, thanks, Fred. So
we'll ask for the vote. Please call the roll.

5 MS. PIERCE: I have a question. So if --
MS. THEAS: Come back up, sorry.

6 MS. PIERCE: So if Shelby and Riley, if they
start with a modular and then they go to -- and then
7 they decide then they're going to build a stick home,
is that fine, or do they have to come back in?

8 MS. THEAS: No, you would have to remove --
well, I mean, you can get a permit, but you would have
9 to remove the modular home. You can't have two.

10 MS. PIERCE: Yeah, yeah, we understand that,
but I'm just saying, like, so they could temporarily
live there at the time until they get their funds or
11 whatever to build their own --

12 MS. THEAS: Their own home.

13 MS. PIERCE: -- permanent home, you know, are
they allowed to do that or do they have to just, what
they put on there is what they put on there and that's
14 it?

MS. THEAS: We replace all the time with other
things.

15 CHAIRMAN PURCELL: Yeah, that was not -- that
was not -- that was not a condition and a request made
16 originally in terms of placing --

17 MR. FRAKES: Well, they can't have two, two
homes there.

18 MS. PIERCE: Well, I'm just saying, like, they
own a home right now and they're, like, working on
selling that home, so they were, like, looking at
19 possibly, like, just putting a modular shortly on that
land until they could sell their home and, I mean -- or
20 you know what I mean?

MR. CORKINS: No.

21 MS. PIERCE: And then they could get the funds
to build the permanent stick home or waiting for two
22 years and then just building their home there.

CHAIRMAN PURCELL: So let me see if I can be
23 real clear in terms of my mind.

24 MS. PIERCE: I just want to make sure we're
doing it the right way.

25 CHAIRMAN PURCELL: What you're asking is
can -- before these are built, can a mobile home be
placed --

1 MS. PIERCE: Not a mobile home, a modular be
2 placed in there, and then when they're ready to build
3 their permanent stick home, take that one out and build
4 the home. Can they do that or is that not allowed?
5 MR. FRY: A modular, once it's set, it's a
6 home.
7 MS. THEAS: Yeah, I mean, there's -- you'd
8 have to tear it down.
9 MR. FRY: You're talking -- you're talking
10 something portable, and that's a mobile home.
11 MS. PIERCE: Yeah.
12 MR. FRY: You're calling a modular -- you're
13 calling a modular --
14 MS. PIERCE: Well, I don't know, I just -- I
15 don't know anything about them.
16 MR. FRY: Yeah.
17 MS. PIERCE: So I just thought once you attach
18 them, then you can unattach them.
19 MR. FRY: I see what you're wanting to do is
20 put this in and then they might want to build a
21 different home?
22 MR. CORKINS: Yeah.
23 MS. PIERCE: Well, they want to build -- they
24 want to build, but we just were thinking temporarily
25 they could attach to a foundation and then when they
get together -- everything together, they can move it,
but I didn't know that's how it works, so I just want
to make sure.
CHAIRMAN PURCELL: Jennifer, the board has not
approved, at least at the present time --
MS. PIERCE: Yeah, I know. I just didn't -- I
just wanted to make sure how it worked because I didn't
know.
CHAIRMAN PURCELL: Yeah, and the board has not
weighed in to approve or disprove your request.
MS. PIERCE: Yeah.
CHAIRMAN PURCELL: You're merely just asking
for an inclusion.
MS. PIERCE: Yeah, I understand that, but I
just wanted to make sure of how -- if it happened, how
that worked or how we would do that. So -- so that's
all I was asking.
CHAIRMAN PURCELL: Well, I want to make sure
that -- I want to make sure there's clarity.
MS. PIERCE: Yeah.
CHAIRMAN PURCELL: And so before we take the
vote, before we take the vote, does someone want to
state a condition around a temporary modular home until
a permanent structure is built?
MR. BARNETT: I don't know how you can do that

1 on the same -- if you're pouring a pad and you're going
2 to put a modular home there, you either got to take it
off, then build your home --
CHAIRMAN PURCELL: Yeah.
3 MS. THEAS: Yeah, there probably wouldn't
be --
4 MS. PIERCE: I mean, I don't know how it
works.
5 MS. THEAS: Yeah, I --
6 MS. PIERCE: So I just -- I didn't know, you
know, I didn't know how they worked.
7 MR. FRAKES: When you build that stick-built
home, how long have they got to remove that modular
8 home if they decide to try to build a stick-built and
the modular's still there? Then you're going to have
three homes --
9 MR. CORKINS: Yeah.
CHAIRMAN PURCELL: Yeah.
10 MR. FRAKES: -- instead of two.
UNIDENTIFIED SPEAKER: CUP won't allow you to
11 do that.
12 MS. THEAS: Yeah, you can't do that so.
MR. CORKINS: No.
13 MS. PIERCE: Okay. And that's just a
question, like, what can they do, like that kind of
thing. So that's fine.
14 MS. THEAS: Yeah, I mean, it would literally
have to be demoed, and then the house would have to go
15 where the modular was.
MS. PIERCE: Yeah.
16 MS. THEAS: I mean --
MS. PIERCE: Okay.
17 MS. THEAS: -- because you can't just take
apart a modular home. Yeah, I mean, you can demo it
18 but, I mean, you can't just move it.
MS. PIERCE: Yeah. Okay.
19 CHAIRMAN PURCELL: I'm going to close the
meeting and ask for a vote, and the vote will be based
20 upon what has been requested, and what has been
requested is two structures, two structures. One's a
21 stick home, and in terms of perking and everything that
you spoke to, and the other is a permanent modular
22 home, which will be on a pad, and so that's what's been
requested, that's what's been discussed.
23 MS. PIERCE: Okay.
MS. THEAS: Yeah.
24 CHAIRMAN PURCELL: So that's what the board
will vote on. So please call the roll.
25 MS. THEAS: Fred Corkins?
MR. CORKINS: Yes, family.

1 MS. THEAS: Scotty Sharp?
MR. SHARP: Yes, family.
2 MS. THEAS: Glen Frakes?
MR. FRAKES: Yes, family.
3 MS. THEAS: Mike Korte?
MR. KORTE: Yes, family.
4 MS. THEAS: Rodney Fry?
MR. FRY: Yes, family.
5 MS. THEAS: Pat McLear?
MR. McLEAR: Yes, family.
6 MS. THEAS: Cody Cornelius?
MR. CORNELIUS: Yes, family.
7 MS. THEAS: Wayne Barnett?
MR. BARNETT: Yes, family.
8 MS. THEAS: And Al Purcell?
CHAIRMAN PURCELL: Yes, family. So this has
9 been approved. Thank you.
MS. PIERCE: Thank you.

10 **ITEM NO. 4:**

11 Chairman Purcell brought up the Buchanan
12 County Utility-Scale Solar Energy Systems Proposed
Ordinance. Chairman Purcell was hoping for a vote
13 tonight but realized the board still had questions in
terms of: Setback, buffer, decommissioning, and
14 taxable revenues that would benefit the county.

15 Chairman Purcell says he looks at the proposed
ordinance as a "living document" which may require
16 adjustments and modifications going forward based on
additional knowledge acquired by the board.

17 The chairman stated that The Supreme Court of
Missouri has ruled it was unconstitutional for
18 Springfield One, a solar farm, to be tax exempt,
meaning tax revenue paid to the county.

19 Other states across the nation tax per kilowatt
hour. Nebraska taxes at a rate of \$3,518 per kilowatt
20 (kW) hour. The largest solar farm in Missouri is at
Nixa, at 7.94 megawatts (MW). The city of Nixa gets 9%
of consumption from the solar farm there.

21 The Missouri legislature is weighing in through a
senate bill looking at tax revenue flowing in from
solar farms.

22 Pat McLear has researched the issue. Chairman
Purcell's objective is to get clarification and for the
23 board to weigh in and vote on the draft ordinance with
caveats on:

- 24 1. Decommissioning
25 2. Buffers
3. Setbacks

The board does not have the purview, nor is it

1 their responsibility to weigh in on tax revenue.
2 That's at a higher level with the state and county
3 commissioners, and for Buchanan County, Buchanan County
4 Assessor Dean Wilson. Some counties are looking at 100
5 charter revenue bonds in terms of financing developers
6 to build solar farms.

7 In the state of Missouri, developers in early days
8 were saying they would use the fact they didn't have to
9 pay tax revenues as an offset for the cost to develop
10 solar farms.

11 In Illinois, under former governor, Bruce Rauner,
12 the legislature approved and the governor signed a law
13 that solar farms would be taxed, generating multitudes
14 of millions of dollars of tax revenue for small
15 communities.

16 Chairman Purcell would like to see Buchanan County
17 benefit from industrial solar farms by utilizing the
18 energy and/or some form of revenue.

19 Chairman Purcell asked the board: What do we do in
20 terms of protecting the county from decommissioning
21 solar farms? Does the board look at this again in 5 or
22 10 years at what the cost of decommissioning is, and
23 how do you capture money to be able to protect the
24 county on decommissioning?

25 The chair opened the floor to the board's thoughts
and concerns.

The chair's objective for the board is to bring the
proposed ordinance to a vote with the understanding
that, if approved, the board will ask Kristy Theas and
the planning & zoning group, along with the
commissioners, as new information comes in, to review
it every six months, and if they learn something new,
amend the plan and put new information into the plan.

Board member Pat McLear said Section 7 and 7.2 of
the proposed ordinance gives a loose interpretation of
vegetation, which causes solar panel fields to be
exposed. Example: It could be daffodils or fescue,
but it won't obscure them.

Gardner Capital in Christian County completed their
activities by 2013. There is no buffer around a
72-acre field surrounded by highly traveled roads.

Mr. McLear doesn't know what property owners around
the field will do with their land, but he doesn't
believe they will be able to sell it to anybody.

To cut down litigation and make solar farms obscure
to public view, he makes the following motion for
required buffers.

"Each project will be completely surrounded,
screened by fully green Leyland cypress trees planted
at 8-10 ft intervals. These must be maintained by the

1 landowner or by the leaseholder. Failure to comply
2 with this provision will result in forfeiture of the
permit. No refund of any fees."

3 Mr. McLear explained that the trees are 60 ft high,
4 panels are sitting at about 25 ft. If planted around
the entire solar panel field, they will cut screen the
entire field so it shouldn't destroy the property
5 values of everybody else.

6 Mr. McLear proposes this motion to replace Sections
7.1 and 7.2 of the proposed ordinance.

7 Mr. McLear believes this does away with litigation
because either companies want to comply or they don't.
8 If they don't, they lose their permit.

9 Chairman Purcell tables the motion for the time
being.

10 Chairman Purcell said Section 4 of the draft
ordinance talks about the price for application and the
cost of application, from \$10,000 for 50 watt all the
way up to -- The chairman believes the board has a
difficult opinion of what that should be.

11 Mr. McLear suggests asking Buchanan County Assessor
Dean Wilson what value solar panel fields are
generating. Mr. McLear states in 2021 every estimate
was over \$40,000 for 1 MW unit. Therefore, 50 x
12 \$43,500 equals \$2,195,000 generated per year by a 50 MW
13 field.

14 Chairman Purcell mentioned Gardner Group in Nixa
has a 7.9 MW field. Buchanan County is looking at
15 potentially much larger fields. He asked for
recommendations on what the application fee should be.

16 Board Member Glen Frakes recommended 50 MW would be
\$30,000, 60 MW would be \$45,000. Start at \$30,000 and
17 prorate it.

18 Mr. McLear's calculation for a 75 MW field, using
the 2021 figure of \$43,500, would be \$3,262,500.

19 Chairman Purcell next brought up decommissioning.

20 After speaking with two bankers, Mr. McLear
introduced the following amendment:

21 "The owner shall post a bond approved by Buchanan
County. The first year's bond will be 10% of the
22 anticipated revenue, \$2,195,000. Each additional year
bonds will be 5% of the annual \$2,195,000 in revenue
for the duration of the life of the solar panel field.
23 These funds will be used to guarantee the total
restoration of the land being used for the project.
24 Any funds not used are to be returned to the owner upon
completion of the restoration."

25 Mr. McLear explained his rationale of not wanting
Buchanan County to end up having to pay millions of
dollars to decommission a solar farm.

1 Chairman Purcell discussed letters of credit versus
2 bonds, stating letters of credit are for the duration
of a project and bonds are for the duration of
construction.

3 He adds benchmarking suggests you need to really
4 understand what it's going to cost to decommission
these in costs and protect. One of the benchmarking
5 ideas was do you establish an escrow account?
Chairman Purcell would like this area studied and added
to the proposed ordinance over the next several weeks.

6 Greene County in Springfield has been collecting
7 tax revenue for 3 years. The Missouri Supreme Court
approved the county having those funds, establishing
8 precedent. The Missouri Supreme Court said these are
not tax-exempt.

9 When one is eventually approved in Buchanan County,
Chairman Purcell believes the county will benefit from
an industrial solar farm and the tax revenue.

10 Commissioner Ron Hook asked how the county would be
involved in decommissioning other than an abandoned
11 junkyard with solar panels.

12 County Attorney, Joshua Bachman, stated it
clarifies that the county is involved in that they are
13 approving the decommissioning plan and making sure, as
the draft will read, that every 5 years financial
14 security is there to do the decommissioning and a
sufficient plan is in place to do the decommissioning.
15 The Planning & Zoning Board would be orchestrating
decommissioning but would tell companies this is how it
16 needs to be done. The board can tell companies they
don't get to operate unless they keep their
decommissioning plan current.

17 Presiding Commissioner Scott Nelson added it's
18 making sure whoever owns the solar farm is putting
money back in escrow.

19 Chairman Purcell asked Attorney Bachman if the
ordinance is voted on and then the board realizes the
20 document is not complete, can the planning & zoning
board change it later?

21 Mr. Bachman confirmed that yes, the board could do
so by:

- 22 1. Having a hearing.
- 23 2. Having the County Commission vote on it.
- 24 3. Putting it on the books.

25 Chairman Purcell said there is verbiage in the
proposed ordinance that says if a solar farm has not
been utilized for a period of 1 year, that would start
the decommissioning process.

He further states there are recommendations that
power companies may want to use an industrial solar

1 farm that hasn't been used in the last year as
2 potential backup should something catastrophic happen.

3 He wants to make sure the planning & zoning board
4 doesn't box itself in, and the board has to be mindful
5 of the people they're working with.

6 Board Member Mike Korte commented he is not
7 inclined to vote tonight, if there are specific
8 recommendations discussed to improve the proposed
9 ordinance, until those improvements are in the proposed
10 ordinance.

11 Ms. Theas agrees the planning & zoning board should
12 make the changes.

13 Presiding Commissioner Nelson said the board needs
14 to tighten it up.

15 Pat McLear says on the decommissioning where he
16 talked about the bond, that excludes letters of credit
17 and whatever "other financial security" means. It
18 needs to be narrowed down to a bond that goes to the
19 county with a specific amount, 10% or 5.

20 Chairman Purcell asked the team to get with Black &
21 Veatch or contact other counties and benchmark outside
22 of Black & Veatch.

23 Mr. Bachman says the planning & zoning board is
24 free to expend money and suggested Fritz Ambrozi or
25 other folks with this area of expertise come testify at
one of the hearings. The board does not have to rely
on just each other, Google, or Black & Veatch. He also
suggested someone in the financial business might come
and answer pros and cons and that's all part of the
exploration process.

Ms. Theas suggested asking another county, such as
Christian County, which is a Class 1 county, with Nixa
having the largest solar farm in the state.

Chairman Purcell was not sure Christian County was
the best to benchmark with. The Chair said they have
asked Black & Veatch before who is the best in class,
whether in this state or another, who really has done
this and knows it and has good decommissioning. He
believes the board needs to look at this each year in
terms of decommissioning.

The Chairman says the board needs to do some more
work. If someone comes before the board with a
request, he doesn't want to compromise them.

Mr. Korte said the board needs to think about
getting this resolved and getting a vote and that
Buchanan County has a lot more open land.

Board Member Cody Cornelius said that being tight
with the proposal is good, but what is also concerning
is the gap of time without anything in place.

Mr. Bachman reiterated right now there is nothing

1 in place and suggested some plan is better than no
2 plan.

3 He said the decommissioning bonding idea is an
4 interesting idea; however, there may need to be some
5 caution there because there is case law establishing
6 there needs to be some rational connection, even if
7 very loose, between what the entity is being charged
8 for and what the need is.

9 Chairman Purcell would like the team to tell Black
10 & Veatch this is what the board would like to see and
11 let them come back with what legally can be done.

12 Mr. McLear stated if you don't get the money up
13 front, you're not going to get it, and it could leave
14 the county in a terrible liability situation. He said
15 he doesn't know if 10% of 2.2 million is enough and
16 nobody else does either. He reiterated these
17 industrial solar farms are put in for 25 years, and he
18 wants some numbers from Black & Veatch.

19 Chairman Purcell stated that the concern is the
20 financial resources that cover the county when solar
21 farms run their life, whatever that instrument is.
22 What's written in a document doesn't protect the
23 county. Bonding needs to be very specific. Letters of
24 credit are good in the short term but not long term.

25 Commissioner Hook asked if the life expectancy of
the solar panels is 25 years, wouldn't the company that
placed them come in and replace the panels as they go
when they get to their life expectancy?

Mr. Bachman believes presumably if they're
making money, they're going to keep maintaining it so
it will go for a long time.

Chairman Purcell asked Mr. Bachman to please reach
out to Black & Veatch, tell them where the board is on
these issues and ask for their counsel, and then it
will be brought up to the board again.

Board Member Scotty Sharp talked about pipelines
going through his property, starting in 2010, how many
lines would be going through his property next year,
and his unhappiness with Keystone and Tallgrass.

Chairman Purcell asked the board what they need
from Mr. Bachman and Ms. Theas.

Mr. Sharp asked on fees if the board could go off a
percentage of the project they're building instead of
charging a flat fee of \$50,000 or \$100,000.

Mr. Bachman stated a Supreme Court case came out
recently that discussed caution of some rational
relation to the fee to what it's costing you; the
bigger megawatt it is, the bigger the issue is the
county needs to look at, the more work it is for the
county to work with planning & zoning and approve

1 things. Whereas, if going off of revenue, you may run
2 into the area of just because it makes this much
3 doesn't mean it's any more. It makes rational relation
4 a little bit more tenuous.

5 He suggested that would be something to look at
6 just to see how much the board could base any of this
7 off revenue or if that would go against case law. He
8 says the board needs to base their recommendation on
9 how they charge to how it affects the county, not so
10 much on revenue.

11 Chairman Purcell made a recommendation to charge a
12 fee and maybe base it on a percentage of what size it
13 is.

14 He is asking for help and clarification from Black
15 & Veatch on the following.

16 Fee: Would it be feasible to charge based upon
17 size?

18 Decommissioning: Bond around decommissioning.

19 He believes the board has buffers nailed down.

20 The Chair stated that on August 17, 2022, Greene
21 County had captured 3 years of property tax on the
22 solar system owned by Springfield One. They collected
23 all those taxes, and the Supreme Court said that they
24 could use them. That sets a precedent that:

25 A. They were taxing.

B. They collected.

C. They got approval to use the tax money.

Chairman Purcell believes the board needs to have
that knowledge as it weighs in on this. It gets into
the value of the solar farms and gets into permitting
and the fee to be charged for permitting.

He believes if there is a vote at the next meeting,
the proposed ordinance will be approved and it will be
given to the Buchanan County Commission.

Presiding Commissioner Nelson asked of the 9% that
the company in Nixa provided to the local community,
was that at zero cost or at a reduced rate or the
regular rate? Chairman Purcell said he didn't know the
answer.

The Chair said he would entertain a motion to
adjourn.

Mike Korte so moved.

Pat McLear seconded.

(The hearing was 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 7th day of June, 2024.



Karen J. Lyman, CCR #395