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2 MINUTES OF THE BUCHANAN COUNTY
3 PLANNING & ZONING BOARD
4 PUBLIC HEARING
5 JULY 10, 2024

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

11 Board members Fred Corkins, Scotty Sharp, Glen
12 Frakes, Mike Korte, Rodney Fry, Pat McLear, Cody
13 Cornelius, Shirley Day, and Al Purcell were present for
14 roll call and a quorum was present.

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

19
20 **AGENDA**

21 **ITEM #1:** A request by Sean Greer, 17589 SE State Route
22 E, Gower, to obtain a Conditional Use Permit for a
23 single family dwelling on a 6.16 m/l acre parcel, all
24 located in Section 25, Township 55, Range 34.

25 **ITEM #2:** A request by Sharp Family Trust, 12961 SW
Lower DeKalb Road, DeKalb, to obtain a Conditional Use
Permit for a single-wide mobile home on a 159.26 m/l
acre parcel, all located in Section 31, Township 56,
Range 35.

ITEM #3: Proposed amendment to the Table of Uses
allowing Bakeries-Manufacturing-Wholesale as a
Conditional Use in A-1 and provide a recommendation for
approval or denial of said proposed amendment to the
Buchanan County Commission for the Commission's
consideration on August 12, 2024, at 9:00 a.m.

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

P R O C E E D I N G S

(The hearing was called to order at 7:00 p.m.)

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

MS. THEAS: Yes. Scotty Sharp?

MR. SHARP: Here.

MS. THEAS: Glen Frakes?

MR. FRAKES: Here.

MS. THEAS: Mike Korte?

MR. KORTE: Here.

MS. THEAS: Rodney Fry?

MR. FRY: Here.

MS. THEAS: Pat McLear?

MR. McLEAR: Present.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: Here.

MS. THEAS: Wayne Barnett?

(No response.)

MS. THEAS: Shirley Day?

MS. DAY: Here.

MS. THEAS: Fred Corkins?

MR. CORKINS: Here.

MS. THEAS: And Al Purcell?

CHAIRMAN PURCELL: Here. Kristy, would -- well, first of all, all the minutes, the minutes have been sent out, and so do I hear a motion to approve the minutes as stated?

MR. McLEAR: (Mr. McLear indicating.)

CHAIRMAN PURCELL: Is that a motion?

(Mr. McLear indicating.)

CHAIRMAN PURCELL: Is there a second?

MR. FRAKES: Second.

CHAIRMAN PURCELL: Thank you. All those who approve the minutes, say aye.

(Unanimous aye.)

CHAIRMAN PURCELL: Those opposed?

(No response.)

CHAIRMAN PURCELL: Hearing none, the minutes from our May 15 meeting has been approved.

Kristy, would you read into the record what's in front of the board this evening?

MS. THEAS: Yes. Item 1, a request by Sean Greer, 17589 Southeast State Route E in Gower, to obtain a Conditional Use Permit for a single-family dwelling on a 6.16, more or less, acre parcel, all located in Section 25, 55, 34; and there's also another section which is 24, but he is not building there.

Item No. 2, a request by the Sharp Family Trust, 12961 Southwest Lower DeKalb Road in DeKalb, to

1 obtain a Conditional Use Permit for a single-wide
2 mobile home on a two-acre lot. I had 159.26, more or
less, acre parcel, but he had cut out 2 point --

MR. SHARP: One.

3 MS. THEAS: 2.1 acres after I had sent out the
4 information. I put that all in front of you. And this
is all located in Section 31, Township 56 and Range 35.

5 Item No. 3 is a proposed amendment to our
6 table of uses allowing Bakeries-Manufacturing-Wholesale
as a Conditional Use in A-1 and provide a
7 recommendation for approval or denial of a said
proposed amendment to the Buchanan County Commission
8 for the Commission's consideration on August 12th,
2024, at 9 a.m.

9 Item No. 4 is to review the draft and possible
vote for a Utility-Scale Solar Energy System.

ITEM #1:

CHAIRMAN PURCELL: On Item No. 1, those
10 representing this application, please come forward,
11 state your name, if you would, and be kind enough to
share with us your address.

MR. GREER: My name is Sean Greer. My current
12 address is 14268 State Highway DD. I'm residing there
at this time. That's in Savannah.

13 My wife and I decided that we'd like to live a
14 little closer to my job in Kansas City while still
being close to St. Joe. My mom grew up in St. Joe and
15 my dad used to live here. We like the peace and quiet
that this site offers. I had surveyed and bought this
16 piece of property, as was said, about 6.1 acres to
build a nice, roughly 3,000 square foot home for my
family.

17 We're good, respectful neighbors. We try to
18 treat others like we want to be treated. I've talked
to some of the neighbors ahead of time, the ones that
19 are directly adjoining that have houses, and there
didn't seem to be any opposition. I see the Brudas and
20 Maloneys are here, and I'm happy to answer any
questions from them.

21 Our home would not be visible from the Maloney
and the Bruda house to the north or the Smith house to
22 the south -- and I also talked to Brad Smith down
there. You might barely see it from the other people
23 home to the south that Joe Larkin is currently
remodeling. So it's very secluded.

24 All the neighbors seem like good folks. We've
enjoyed talking to them, and I hope to continue
building good relationships with them.

25 It's a beautiful and secluded home site.
This -- you can pass these around, if you'd like.

1 These are the approach off of Highway E and the drive.

2 The first thing I did was called Kristy and
3 did a soil test, because I've built before in Andrew
4 County, wanted to make sure everything was good there.
5 What he determined is that we could do a conventional
6 septic system, per his notes. I think you have those
7 there. This helped us choose the site for the house.
8 Really it kind of informed where we determined the best
9 building site would be. And I've contacted utility
10 companies who provide service there, and the utilities
11 have all looked at the site. And I'm told there's no
12 issues. DeKalb County for the water, Platte/Clay for
13 the electric. For propane, I'm looking at United
14 Cooperatives out of Plattsburg.

15 I brought a picture of the last home we built
16 in Andrew County at Stoneridge Lots. This was
17 completed in 2018. I did a lot of the finishing work.
18 One of my friends did the framing on it.

19 I like to do things the right way. I'm not
20 going to build less than a quality home. It's going to
21 be stick built. We've chosen a modern farmhouse design
22 for this one. This kind of gives you a little bit of
23 an idea. It's a basic drawing. It's a pretty simple
24 two-story home. There will be 36-inch-deep frost
25 footers, and I'll use a traditional cement or a wood
siding similar to the house we've shown in the picture.

I'm a details guy, and I do things the right
way. And I want to make sure that this is a -- are
quality homes that last for generations. We just want
to improve and continue to beautify and add value to
the area and this property. So thanks for your
consideration, and I'm happy to answer any questions.

CHAIRMAN PURCELL: Questions or comments from
the board?

MR. FRAKES: The house that's being remodeled,
do you own it?

MR. GREER: No, I don't. That's owned by Joe
Larkin. I think his company is D -- it starts with a
V, Vio.

MS. THEAS: Vidao.

MR. GREER: Vidao?

MS. THEAS: Vidao. He's a -- he's a flipper.

MR. GREER: And I think he's got another buyer
lined up. Currently he's working on putting in a new
septic system for that house. But I can show you, I'll
just show you my copy of the survey with the tentative
location based on the -- So I've circled where I'm
looking at putting our house site based on the septic
system.

The parcel to the north is very sloped. We

1 determined that wasn't an ideal building site in the
2 back. This is a lot easier access and we're -- yeah,
3 that's the home. Yeah, you've got it. It looks like
4 you've got it roughly where it is on your -- yep.
5 That's -- that's --
6 MR. McLEAR: That's not a good building site.
7 MR. GREER: No, it's not. That back there --
8 So what you're showing there is roughly the location
9 for that. So, yep.
10 CHAIRMAN PURCELL: Other questions?
11 MR. McLEAR: So won't this -- this top piece
12 will be landlocked, right?
13 MR. GREER: Yes, but I plan on putting a drive
14 back to that. I don't plan on -- I may eventually
15 build a shed back there or a barn, but I'll continue
16 the drive to the back.
17 MR. FRAKES: How many times has that parcel
18 been split?
19 MR. GREER: I don't know. I don't plan on
20 splitting it any more.
21 MS. THEAS: It wasn't him that split it. It
22 was the current, the owner.
23 MR. FRAKES: Right.
24 CHAIRMAN PURCELL: Further questions,
25 comments?
26 MR. CORKINS: Who owns this where this is all
27 split up? And the driveway comes in here, I
28 understand.
29 MR. GREER: I'm told that that is the county
30 road. I'm not sure.
31 MR. CORKINS: That's county road back to the
32 cemetery. Or always was.
33 MR. GREER: Okay. Yeah, and there's an
34 easement for where the head of the drive starts because
35 that's where I'm going to put in that drive back to
36 the -- back to the house site.
37 MR. FRY: Okay. So does each one of these
38 small acreages have a house on it?
39 MR. FRAKES: I think so. I don't know.
40 MS. THEAS: No. Only -- they cut the original
41 house out. It was foreclosed on, and then Carl --
42 MR. GREER: Zieminski.
43 MS. THEAS: Zieminski --
44 MR. GREER: Yep.
45 MS. THEAS: Is the one that split out and sold
46 him the lot.
47 MR. GREER: Mm-hmm.
48 MS. THEAS: I believe Mr. Maloney as well.
49 MR. MALONEY: Five acres, we have the five
50 acres.

1 MS. THEAS: Yeah. And then he bought the
other acreage. Because he didn't want anyone --
2 MR. MALONEY: No, Mr. -- Mr. Zieminski still
owns six acres.
3 MS. THEAS: Yes, yes.
4 MR. MALONEY: -- that has the metal building on
it.
5 MS. THEAS: Yeah, it's a shed, yep.
6 MR. CORNELIUS: This is the parcel, the 6.88
acres on this map?
7 MS. THEAS: Yes.
8 MR. CORNELIUS: I forgot your name.
9 MR. GREER: Sean.
10 MR. CORNELIUS: So that would be the 5.04.
That was another gentleman.
11 MS. THEAS: Maloney.
12 MR. CORNELIUS: Maloney owns the 5.04?
13 MS. THEAS: Correct.
14 MR. CORNELIUS: Okay. How do you access that
property?
15 MR. MALONEY: Me?
16 MR. CORNELIUS: Yeah.
17 MR. MALONEY: I'll get up and talk.
18 MR. CORNELIUS: Okay.
19 MS. THEAS: Yeah.
20 MR. GREER: Any other questions for me?
CHAIRMAN PURCELL: Any other questions of
Sean?
(No response.)
21 CHAIRMAN PURCELL: There's no other questions
for Sean? Seeing none, those in attendance this
22 evening that are in opposition, please come forward,
state your name and your address. Thank you, Sean.
23 MR. MALONEY: My name is Brian Maloney. I
live at 17351 Southeast State Route E. I am adjacent
24 on a couple sides to the property. I want to say I'm
not necessarily in opposition, but I would just like to
25 have some questions answered. And I printed off some
GIS stuff here that I'm probably going to have to
explain.
26 MR. CORKINS: Where's your house at?
27 MR. MALONEY: I'm going to explain all that.
28 MR. CORKINS: Okay.
29 MR. MALONEY: I'm sorry I didn't print too
many off. Maybe you all can see either way. If you'll
30 look at the maps, the original agenda for the meeting
stated a family dwelling on a 6.1 acre parcel. The
31 letter that I received from the board states a family
dwelling on a 2.87 acre parcel. If you'll look in the
32 middle, the property that's outlined in black is

1 Mr. Greer's property, so the house is on 2.87 acres.
2 Due to the proximity of the section line, the other
property to the north is 3.29 acres.

MS. THEAS: Correct.

3 MR. MALONEY: All of these shading in the pink
4 color is my 6.8 acres. I want to start a little bit
from the beginning. I'm not going belabor this, but
5 the original, if you'll look at the top, 5.04 that I
own, 3.29 that Mr. Greer owns, 2.87 that Mr. Greer owns
6 and 6.88 acres that Mr. Zieminski owns that has a metal
shed on it. Then the 1.292, which is less than two
acres, was owned by Mr. Cooper.

7 So the total was 20 acres when Mr. Cooper's
property was first cordoned off, so there were 18 acres
8 left. Mr. Zieminski maybe can explain what all went
on, but the house on the 1.92 went into foreclosure.
9 Mr. Zieminski purchased the remaining 18 acres. Then I
purchased the 5.04 acres. Then he sold Mr. Greer the
10 2.87 and the 3.29. The remaining 6.8 acres, as far as
I know at this point, is owned by Mr. Zieminski that
11 still has -- that he built the shed on. To the south
is Mr. Brad Smith.

12 My concern is the Conditional Use Permit
states 2.7 -- 2.87 acres. The 3.29, again by virtue of
13 the section line, is a separate property that could
somehow receive a building permit for another home. I
14 would like it somehow to state in the Conditional Use
Permit -- and this is not in reference to anything
15 Mr. Greer has stated to me -- that if in the future
something happens, that 3.29 acres now is a separate
16 parcel.

17 I would like some verbiage in the Conditional
Use Permit that states that another single family home
18 can't be built on the 3.29 acres because it was
originally brought up to place a single family home on
6.16 acres. It's not 6.16. They're separate parcels.
19 And, again, Sean, this isn't against you. This is for
the future, because I know what can happen. That can
20 be sold and another house.

21 So basically what we've got up there now is a
1.92 with a house, a 6.88 with a shed, a 2.87 with a
future house, and a 3.29. As far as I think somebody
22 asked about access to the 5.04. I have access on two
sides of that so that's not an issue. I'm not opposing
23 Mr. Greer building a single family home on 6.16 acres.
I'm opposed to an approval for one home on 2.87 acres.
24 I would like somehow in this meeting that those two
parcels are tied together. And I know you can't -- I
25 know you can't cross a section line and make that one
parcel.

1 CHAIRMAN PURCELL: Thank you, Brian.
MR. MALONEY: Is there anything that can be
2 done in that way?
CHAIRMAN PURCELL: Just stay there an
3 additional moment. My understanding is is the letter
that Mr. Maloney received did not reference 6.16 acres.
4 It referenced a different number.
MS. THEAS: No, it did because he --
5 MR. MALONEY: No, it didn't.
MS. THEAS: That's because he was building the
6 house on --
MR. MALONEY: This is the letter I received.
7 (Brief interruption by the Reporter. Multiple
people speaking at once.)
8 CHAIRMAN PURCELL: Yeah, she wants you up here
speaking --
9 MR. MALONEY: Okay.
CHAIRMAN PURCELL: -- so she can make the
10 record. Just --
MR. MALONEY: That's the letter I received
11 from the planning commission.
MS. THEAS: Yeah, because the house was going
12 to be on the 2.87 acres, not the 3. because they are
not building on a parcel that's cut by a section line.
13 (Brief interruption by the Reporter. Multiple
people speaking at once.)
14 MR. McLEAR: I had a question for him. When
you first started talking, you talked about Mr. Cooper.
15 Are you talking about the famous mortgage company?
MR. MALONEY: Whichever one it was.
16 MR. McLEAR: Okay.
MR. MALONEY: Because Charles Cooper at one
17 point --
MR. McLEAR: I just wanted to make sure they
18 weren't in the audience or something.
MR. MALONEY: No, Charles Cooper. Charles is
19 dead. He turned the house -- when he carved that off,
he gave the house to Keith, and then the rest of it --
20 and Mr. Zieminski bought 18 acres. Mr. Zieminski --
and I don't know the exact agreement -- had an
21 agreement with Keith that Keith would pay Mr. Zieminski
rent to stay in the house. Keith failed to do that.
22 Mr. Zieminski had a lien on the property, and it went
to a foreclosure auction here at the courthouse.
23 CHAIRMAN PURCELL: Yeah, Mr. Maloney, if I
may, just to see if I can't do a little clarification.
24 What we hear from you is that you are not in opposition
of Mr. Greer in terms of building. You are merely
25 suggesting, based upon the amount of land, that we make
sure as a board with regard to a conditional use that

1 the other property that's part of this would not be
able to put a home on that property.

2 MR. MALONEY: That's correct.

3 CHAIRMAN PURCELL: I just want to make sure
that we have clarification.

4 MR. MALONEY. That is exactly on -- that's
what I'm asking.

5 CHAIRMAN PURCELL: I understand that.
Now --

6 MR. MALONEY: And I don't know the future of
Mr. Zieminski's 6.88, if that gets split. I mean, I
don't know.

7 CHAIRMAN PURCELL: Mr. Maloney, what we're
specifically dealing with tonight is this particular
8 request.

9 MR. MALONEY: I understand that.

10 CHAIRMAN PURCELL: And so we want to just stay
focused on that, and then for future if someone wants
to ask for a building permit, we will entertain that at
that time. I want to keep this in this particular
11 discussion.

12 MR. MALONEY: The only reason, Mr. Purcell, I
brought it up was because it's getting a little crowded
out there.

13 CHAIRMAN PURCELL: I understand that, and I
appreciate your concern. Now, the question I have in
terms of the letters that were sent out, if you'd just
be kind enough to explain to the board so we
14 understand.

15 MS. THEAS: So the 6.16 acres is split by a
section line. Whenever he came in front -- I mean, he
16 has, he purchased 6.16 acres, but he can only -- he
couldn't build up on that section line, which is the
17 three so he --

18 MR. MALONEY: That's actually down the hill.

19 MS. THEAS: Yeah, yeah, so he had to come down
the hill to the 2.87. So I didn't want to confuse the
property owners saying that he was going to be building
20 on that section line, so I stated in the map that he
would be building on the 2.87 acres, which was stated
21 on the GIS map. That he owns all of that. I mean --

22 MR. MALONEY: Yeah, he owns all of it.

23 MS. THEAS: Yeah. It's in a different --

24 MR. MALONEY: And I'm not opposing him putting
one home on it. I just, if something happens in the
future, I would like some protection, if somebody dies
or whatever, that there's not going to be another house
25 on the 3.29, and I don't know what the mechanism is for
that. That's up to y'all, you know? It's --

CHAIRMAN PURCELL: Mr. Maloney, we hear your

1 concern and your request. Is there anyone else here --
and thank you. Is there anyone else here --

2 MR. MALONEY: Can I have my letters back?

3 MS. THEAS: Oh, yes.

4 CHAIRMAN PURCELL: Yes, you may.

5 MR. MALONEY: Okay, thank you.

6 CHAIRMAN PURCELL: Is there anyone else here?
Please come forward and, again, state your name and
your address.

7 MR. ZIEMINSKI: My name is Carl Zieminski.
I'm the former owner of the property Mr. Greer wants to
build on, and I would like to remind you that the
zoning ordinance in that area is two acres per each
lot, and so I think that's an unreasonable request that
he wants to keep the properties open because it's
against the zoning ordinance.

9 CHAIRMAN PURCELL: So you're not in
opposition, you're in support?

10 MR. ZIEMINSKI: I'm in support, and I'm in
support that he builds a house, but I think it's an
unreasonable request to make it a six-acre parcel
rather than a two-acre parcel, which is the zoning
ordinance. Thank you.

11 CHAIRMAN PURCELL: The -- Would someone weigh
in in terms of the zoning of two acres?

12 MS. THEAS: Yeah, I mean, you have to have
2.01 acres or more to build a single-family residence.
You have to have an acre for the septic and an acre for
the residence. He's stating if that's the zoning
order, then we can't force him to say -- but I will
say, if anyone ever was going to build on that three
point --

13 MR. CORKINS: -- two nine.

14 MS. THEAS: 3.29 acres, they would have to
come in front of you. They can't build on that. They
would still have to come in front of you, and at that
time -- and it would be a subdivision. Because
they're -- so that's an illegal subdivision, so I
wouldn't allow it.

15 MR. CORNELIUS: Would there have to be a
driveway built by Mr. Greer's home to get to that back
property?

16 MS. THEAS: Yeah, I mean --

17 MR. CORNELIUS: There's no other access to
that?

18 MS. THEAS: No. There's a cemetery there, but
the county -- I believe the county takes care of the
road up to the cemetery. I'm not positive of that.

19 MR. MALONEY: The county takes care of the
road up to the cemetery. There's a family that takes

1 care of the cemetery itself. Actually, the easement
2 for the cemetery ends at the section line which
subdivides the cemetery.

3 CHAIRMAN PURCELL: Okay. Is there anyone else
here who wishes to come forward?

4 (No response.)

5 CHAIRMAN PURCELL: Hearing none, we will close
the -- we'll close the hearing and we'll call for a
6 vote. And then in doing this vote, we've heard three
things. One, we've heard a request, which we have in
7 front of us, on 6.16 acres. And Kristy has shared with
us the discussion about the property and across the
8 line, and so I think that there's some understanding
with respect to that. And we did not hear any
9 opposition with respect to not building. It's just a
matter of someone in the future being able to come
before this board and ask to build on that other
portion, which was previously stated.

10 I don't know if the board wants to take that
11 up or if the board wants to merely weigh in on
Mr. Greer's request for a Conditional Use Permit; and
12 so I will leave that to the board in terms of you
speaking up, or if you feel comfortable in weighing in
13 on what this conditional use request is by itself, then
so be it. And so I will ask -- I will ask your
question.

14 MS. DAY: Would it be unreasonable to put in a
condition that the 6.1 acres not be allowed to split?
15 I mean, I'm just asking a question.

16 MS. THEAS: Yeah. Well, that's --

MS. DAY: But because the section line --

17 MS. THEAS: You can't say that.

MS. DAY: Okay.

18 MS. THEAS: -- because of the section split.
You would have to put a condition that the 3.29? The
3.29 cannot be --

19 MR. CORKINS: You've already stated that it
can't be because it would be a subdivision at that
20 point.

21 MS. THEAS: Yeah, I mean, I wouldn't allow
that. It could be split --

22 MR. CORKINS: It's illegal to do that anyway.

MS. THEAS: Yeah.

23 MS. DAY: Gotcha.

CHAIRMAN PURCELL: That said, that said, the
24 fact that that would be a subdivision and that would
not be approved, that certainly is a conflict that goes
into this.

25 MR. THEAS: Right.

CHAIRMAN PURCELL: With that said, with that

1 said, then I will ask the board for an up or down vote
in terms of this particular request by Mr. Greer.

2 MS. THEAS: Okay. Scotty Sharp.
MR. SHARP: Yes, good use.

3 MS. THEAS: Glen Frakes?
MR. FRAKES: Yes. Best use, I guess.

4 MS. THEAS: Mike Korte?
MR. KORTE: Yes, best use.

5 MS. THEAS: Rodney Fry?
MR. FRY: Yes, best use.

6 MS. THEAS: Pat McLear?
MR. McLEAR: No, I don't want to see a split.

7 MS. THEAS: Cody Cornelius?
MR. CORNELIUS: Yes, best use.

8 MS. THEAS: Shirley Day?
MS. DAY: Yes, appropriate.

9 MS. THEAS: Fred Corkins?
MR. CORKINS: Yes, best use.

10 MS. THEAS: And Al Purcell?
CHAIRMAN PURCELL: Yes, best use. So would
11 you please feed back in terms of what we have approved?
MS. THEAS: Okay. So we have approved for
12 Mr. Greer to build a single family dwelling on the
2.87?

13 MR. CORKINS: (Inaudible.)
MS. THEAS: 2.87 acres and that the 3.29 acres
14 could not be split and could not have a house built
there because it would become an illegal subdivision.
15 So, therefore, it would not -- it would not be able to
happen. It wouldn't be able to go through the board.
16 It would -- it would be stopped. So he will be allowed
to build a single family dwelling just on the 2.87
17 acres.

CHAIRMAN PURCELL: Thank you.

18 MR. MALONEY: Thank you.
NANCY BRUDA: Thank you.

19 MR. HOOK: Here's your documents with the
20 maps.

MR. MALONEY: Oh, you will need those.

MR. NELSON: Well --

21 MR. MALONEY: It's okay.
MR. GREER: Thank you.

22 PRESIDING COMMISSIONER NELSON: Here's your
picture.

23 MR. GREER: Thank you.
CHAIRMAN PURCELL: Thank you.

24 ITEM #2:
CHAIRMAN PURCELL: Item No. 2, and, Scotty,
25 since you are a board member, we're having --
obviously, we're requesting you to recuse yourself,

1 which in nice lay terms, it's like, you can't vote.

2 MR. SHARP: I get it. My name is Scotty
3 Sharp, 1725 Southwest Bethel Road in DeKalb, Missouri
4 64440. It was Granddad's place and the old house was
5 remodeled and updated in '39, and the last 30 years Dad
6 rented it out for quite a while, and basically it was
7 done, so we tore it down. My daughter wants a place to
live, so on the west side of the red line is Wayne
Township, which we don't live in Wayne Township instead
of Center Township, so the grassy strip I put in big
bales, and she don't care if I put big bales in her
yard, so.

MS. SHARP: Not me.

8 MR. SHARP: Not this one. So, anyway, and
that's about it. It's for a single --

9 RUTH SHARP: A single-wide mobile home.

MR. SHARP: My wife here.

10 MRS. SHARP: It's going to have drywall. It's
going to be --

11 CHAIRMAN PURCELL: For the record -- for the
record, would you state your name?

12 MRS. SHARP: Yes, I'm Ruth Sharp, Scotty's
wife. It's going to be a 76 long and 16 foot wide.

13 MR. SHARP: 16 feet.

14 MRS. SHARP: She hopes to later on build a
room onto it, put a carport later on. We have a cellar
nearby, we have a garage and a big old homestead, so it
will help us.

15 MR. McLEAR: The only question I have, you're
16 building exactly on the same old home site?

MR. SHARP: Just a little bit in front.

17 MRS. SHARP: In front of it.

18 MR. SHARP: So it was in Center Township.
The -- Center's in mid-DeKalb; 180's in, I think,
Wayne.

19 MS. THEAS: Yeah, again, the property's split
by a section line.

20 MR. SHARP: A section.

MR. FRAKES: Pretty close.

21 MRS. SHARP: 200 feet. She's going to build
it on 200 feet.

22 MR. SHARP: She hasn't gone out there and
stuck the stakes in the ground.

23 MRS. SHARP: Yeah.

24 MR. SHARP: So I don't know where she's going
to.

CHAIRMAN PURCELL: Questions, comments?

25 MR. KORTE: I have a question.

MR. SHARP: Uh-huh.

1 MR. KORTE: So I guess the concern I have is,
2 I mean, I don't have any problem with you or your
3 daughter. This looks like a good deal. I'm more
4 concerned about our board and precedent that would say
5 if we approve this and somebody else comes and says we
6 want to do this. And I have what was two trailers just
7 down to one -- it borders a corner of our property --
8 that got approved by this board many -- before I was on
9 it, and it's not good. But -- and I don't think that
10 would happen here, but I just, I'm concerned about
11 precedent that we set as a board by approving this.
12 That's -- that's a question I have.

13 MR. SHARP: Well, we argued for a year over
14 it.

15 MR. KORTE: Huh?

16 MR. SHARP: We argued for a year over it, a
17 double-wide versus a single-wide, me and my daughter.
18 So this has been going on for a year.

19 MR. KORTE: I didn't hear the last part of
20 that.

21 MR. SHARP: I wanted a double-wide, which we
22 wouldn't have to go, you know.

23 MR. KORTE: Right.

24 MR. SHARP: Modular or double-wide, and she
25 said, Dad, I can't afford a double-wide, and so I
finally said, well, we got to have a single-wide.

MR. KORTE: I mean, I hate to bring it up.

MR. SHARP: Yeah.

MR. KORTE: Since you're on the board.

MR. SHARP: It's okay.

MR. KORTE: But I'm just thinking long term
for the county.

MR. SHARP: I know.

MR. KORTE: For the board being consistent in
our policies.

MR. CORKINS: What's our rule say?

MS. DAY: I was going to say, we don't -- do
we have a rule that says we cannot approve a
single-wide mobile home?

MS. THEAS: No, but we do have a condition,
705 point --

MS. DAY: Because what I have read --

MS. THEAS: Yeah.

MS. DAY: -- it has met those conditions,
according to --

MS. THEAS: Yeah. It does state that there is
a \$50 or there's supposed to be an annual permit
renewal of \$50 for mobile homes. I'm going to be
honest, I never knew that. I mean, I don't have --
there's no list in my office of single-wide mobile

1 homes. We don't go out and look at them on a yearly
2 basis. I -- I'm unaware of any of that, but he does
3 meet all of those conditional uses, yes. And it's a
4 brand new manufacture.

5 MR. SHARP: If my cows get out, I can't --
6 don't know it until they get clear down to the road. I
7 don't know the cows are out until they get clear down
8 to the road, so I was thinking if she was over there,
9 it might help me to know when things are out.

10 CHAIRMAN PURCELL: Any other questions?

11 (No response.)

12 CHAIRMAN PURCELL: Anyone here in opposition?

13 (No response.)

14 CHAIRMAN PURCELL: Hearing none, we'll close
15 the meeting and call for a vote. Call the roll.

16 MS. THEAS: Glen Frakes?

17 MR. FRAKES: Yes, family member.

18 MS. THEAS: Mike Korte?

19 MR. KORTE: Yes, family.

20 MS. THEAS: Rodney Fry?

21 MR. FRY: Yes, family.

22 MS. THEAS: Pat McLearn?

23 MR. McLEAR: Yes, family member.

24 MS. THEAS: Cody Cornelius?

25 MR. CORNELIUS: Yes, family.

MS. THEAS: Shirley Day?

MS. DAY: Yes, family.

MS. THEAS: Fred Corkins?

MR. CORKINS: Yes, family.

MS. THEAS: And Al Purcell?

CHAIRMAN PURCELL: Yes, family.

(Off the record.)

(Back on the record.)

ITEM #3:

CHAIRMAN PURCELL: Item No. 3.

MS. THEAS: Do want me to --

MR. BACHMAN: Yeah, go ahead and read it for
the record.

MS. THEAS: Okay. We have a bakery located at
10150 Southeast State Route T that needs a Conditional
Use Permit to continue their wholesale bakery. Our
table of uses does not state a use in A-1 for wholesale
bakeries so, therefore, we would need it to be a C for
conditional use for them to be able be to come in front
of you to operate their wholesale bakery.

So we're proposing to amend the table of uses
allowing the bakeries-manufacturing-wholesale as a
conditional use in A-1 and provide a recommendation for
the approval or denial from the county commission on
August the 12th of 2024 at nine a.m.

1 MR. McLEAR: I've got a question. How long
has this been operating illegally?
2 MS. THEAS: It's been operating, I believe,
since 2000 --
3 COMMISSIONER HOOK: Is it three years?
MS. THEAS: 2019-2020.
4 MR. CORKINS: I thought that was two years
ago.
5 COMMISSIONER HOOK: When you did.
MS. THEAS: Yeah, it took 'em --
6 MR. CORKINS: When did Human Bean start?
MS. THEAS: Oh, yeah, so that -- you're right.
7 MR. CORKINS: It wasn't there yet, I mean.
COMMISSIONER HOOK: No, it didn't have --
8 MR. CORKINS: I mean, I just set the water
line for that about three years ago probably so --
9 MS. THEAS: So about three years.
MR. McLEAR: Three years?
10 MR. CORKINS: Two or three years probably.
MR. McLEAR: So they knowingly -- because they
11 operate a commercial facility in the city that
distributes their product. They've done this for three
12 years knowing full well they're operating illegally.
Right? Okay. They got no Buchanan County merchant's
13 license, they got no state sales tax at that location
number.
14 MS. THEAS: Yeah, I don't -- he didn't offer
any of that information. I mean, because they're not
15 in front of us so I'm not, you know, I -- that wouldn't
be --
16 MR. McLEAR: Well, if they've been operating
for three years, the answer has got to be no.
17 MS. DAY: We're not -- but we're not voting.
MS. THEAS: We're not voting for them, no.
18 MS. DAY: We're not voting on approving them
to operate; we're voting on changing our uses.
19 MR. McLEAR: Yes, but we'd be voting on them
to change the system to suit what their -- sort of line
20 is.
MS. DAY: But wouldn't they still have to come
21 before the board?
MR. McLEAR: They willingly -- they willingly
22 violated the rules.
MS. DAY: They would still have to come before
23 the board to get that Conditional Use Permit to
continue to operate. I'm just asking.
24 MR. McLEAR: Not if we end it here.
MS. DAY: Yes.
25 MR. McLEAR: Not if we end it here. Let them
operate like all the other businesses do. Look at all

1 the revenue. Has there been any attempt by the county
2 government to collect that revenue that's been lost for
3 three years?
4 COMMISSIONER HOOK: No.
5 MS. THEAS: Because we didn't know.
6 COMMISSIONER HOOK: Yeah, we didn't know about
7 it.
8 MR. McLEAR: They knew.
9 MS. THEAS: I mean, they know now. I mean,
10 their taxes changed now.
11 MR. McLEAR: Yeah, let's be real here.
12 MS. THEAS: Yeah.
13 MR. McLEAR: This is not like a kid that
14 starts an auto repair business in his garage that
15 doesn't really know and there's no great expectation
16 that it takes off. They deliberately operated this to
17 service retail businesses in the city of St. Joseph.
18 They knew what the rules were because the rules applied
19 to the business in St. Joe. You had to have a
20 merchant's license --
21 PRESIDING COMMISSIONER NELSON: The city
22 didn't find out --
23 MR. McLEAR: You had to have a tax number for
24 the address.
25 PRESIDING COMMISSIONER NELSON: I'm just
telling you the city didn't tell them --
MS. THEAS: -- until just recently.
PRESIDING COMMISSIONER NELSON: Yeah.
MR. McLEAR: (Inaudible.)
MS. THEAS: They're the ones that contacted
me.
PRESIDING COMMISSIONER NELSON: Yeah.
MR. McLEAR: And they knew -- and they knew
they were avoiding -- they were avoiding any of kind of
health inspection.
MR. CORKINS: How did we approve the Black
Oak's? I mean, they came before us and we approved it.
MS. THEAS: Yeah, to have a restaurant on
their A-1 -- because it's a restaurant. This is not a
restaurant. No one goes there and eats.
MR. CORKINS: Okay.
MS. THEAS: Restaurants are by a conditional
use in A-1.
MR. CORKINS: Okay.
MR. BACHMAN: And so --
CHAIRMAN PURCELL: Excuse me. As optically as
distasteful as this might be in terms of some folks'
minds, I think it was clearly stated earlier that we're
not approving a Conditional Use Permit for them
operating a commercial bakery. What we're being asked

1 tonight, we're asked tonight to weigh in and actually
2 codify under an A-1 to codify a
3 bakery-manufacturing-wholesale. That's what we're
4 being asked to do.

5 MS. THEAS: To change, yes, to make it a
6 conditional use permit the only way they can operate so
7 they will have to come in front of the board.

8 CHAIRMAN PURCELL: So that said -- I'm going
9 to be redundant. That said, if we approve this, then
10 they have to go the next step and come before this
11 board and request a Conditional Use Permit to operate a
12 commercial bakery.

13 MS. THEAS: And you guys are just giving a
14 recommendation. It is up to the county commission to
15 make this change.

16 MS. DAY: However, if we don't approve this
17 change, then --

18 MS. THEAS: The commission can override your
19 decision.

20 MS. DAY: Then they'd be a -- you can do it
21 anyway if you wanted to, basically.

22 PRESIDING COMMISSIONER NELSON: You're just
23 adding another line in your uses that wasn't accounted
24 for.

25 MS. DAY: Well, I mean, it was acc -- it was
not accounted for for A-1. It's been accounted for for
any other use. It's just not accounted for in
agricultural.

PRESIDING COMMISSIONER NELSON: Yeah.

CHAIRMAN PURCELL: I realize it's difficult to
close our mind off on this, but as this was said, was
stated, this is just -- I mean, there are things in
here, baby shops and badges and bag cleaning and
baggage warehouse. I mean --

MS. DAY: But none of them are approved in
A-1.

CHAIRMAN PURCELL: Well said.

MR. BACHMAN: If I -- if I may, and I know the
two commissioners that are here present were in this
meeting, I was in the meeting when it was discussed.
Regardless of what may happen, if they do apply for the
Conditional Use Permit, I think, Al, you were -- you
were about to get on to this, but there are a lot of
things that we were surprised were a conditional use in
A-1, but a bakery was not; like restaurants,
auditoriums, auto auctions, auto dealerships, atomic
energy plants, a lot of different kinds of
manufacturing that are conditional use permits, so I
think we were a little surprised when we were looking
through the table of uses that bakeries, that they're

1 not permitted.

2 So even if the board were to deny these
3 particular individuals, should they come before the
4 board, a conditional use, I would say, it would -- it
5 would make our table of uses a little more consistent,
6 given the other uses that could be a conditional use in
7 A-1, you know, such as restaurants or what have you.

8 So I will just put that out there; and,
9 obviously, if somebody does come before the board with
10 some kind of wholesale-bakery-manufacturing, relevant
11 questions would very well be how many employees do you
12 have, how much traffic's coming in and out of there, is
13 it just a little mom and pop where you're baking things
14 or is this some big, you know, you know, Taystee Bakery
15 that's going on? So, again, that's -- that's my two
16 cents on it.

17 MS. DAY: Even that being the case, though, my
18 question would be, if you're going to add that
19 bakeries-manufacturing-wholesale as a conditional use,
20 then why the devil not just add the rest of them on
21 there as conditional use too because, I mean, if -- if
22 we're going to do it one at a time, I don't -- there's
23 got to be a reason why it's not, okay? And if you're
24 going to add the bakery in, then why not add the
25 ball-bearing manufacturing in there as a conditional
26 use or the bag cleaning in there as a conditional use.
27 I mean, see what I'm saying?

28 MR. BACHMAN: Absolutely. It's --

29 MS. DAY: I'm not -- I'm not opposed
30 necessarily to doing it. I'm just saying why just that
31 one?

32 MR. FRY: Those industrial parks in the city
33 of St. Joe recruit people to put their businesses;
34 right?

35 MS. THEAS: We don't have any. The county
36 does not have any.

37 MS. DAY: Does not have any what?

38 MS. THEAS: Industrial parks.

39 MR. FRY: So they went to the county and put
40 this in knowing that if they done it in the city, they
41 would have been taxed and cost them a lot of money.

42 MS. THEAS: Possibly. I don't -- I mean, I
43 don't want to speak for them but --

44 MR. FRY: Industrial parks in the city are not
45 full.

46 MS. THEAS: Yes.

47 MR. FRY: So they have to go to the county.

48 CHAIRMAN PURCELL: I'm going to switch gears
49 just for a minute from facilitating and ask a question.
50 Let's say that I actually put a property in similar to

1 this and went before -- the fact that I wanted to
2 establish a business and I've paid the taxes on it.
What process would I have to do?

MS. THEAS: If you wanted to do it?

3 CHAIRMAN PURCELL: Anyone around here, anyone
4 you picture, less his name. But I wanted to actually
5 establish in a rural area a commercial business.
What's the process to do that?

6 MS. THEAS: Well, I have to look up the table
7 of uses, and depending on your commercial operation, I
8 look at what the use -- whether uses are permitted,
9 exempt, conditional use; and if it's not stated, if
there is -- it's blank, which this one is -- if it's
blank, then I have to come in front of you to amend
that order to give to the commission --

CHAIRMAN PURCELL: What if I wanted --

MS. THEAS: -- because they can't come in front
of you.

10 CHAIRMAN PURCELL: Okay. What if I owned 20
11 acres and on that 20 acres I actually wanted to put in
a bakery?

12 MS. THEAS: You still -- they're on -- they're
on 60.

13 MR. BACHMAN: The way it's done now, right, it
14 is prohibited. There is no circumstance, unless the
order -- unless the zoning laws are changed, that there
is no circumstance in which you could have a bakery.
You can have a restaurant, but not a bakery.

15 CHAIRMAN PURCELL: You answered my question.

MS. THEAS: Yes.

16 CHAIRMAN PURCELL: So that totally was
17 prohibited, couldn't be done, if you did that. Now the
18 fact that we know what we know, and we're asking -- we
19 ask right now, and I stated it earlier -- we're asked
to adjust under an A-1, we're asked that today, and if
we approve that or we don't approve that, the
organization still has to come in front of this board
and the commissioners to make a request, period.

20 We either bite the bullet tonight in terms of
21 adjusting this zoning district and a bakery underneath
22 an A-1 and then knowing that they have to come in front
of the board to make that request for a conditional
use.

23 MR. FRAKES: Whether this passes or doesn't
pass, they've got to come before this board.

MS. THEAS: Correct.

24 CHAIRMAN PURCELL: Yes. Yes. So --

25 MS. DAY: Does this business have anything to
do with agriculture? Do they grow the crops, do they
grow the wheat to make the -- do they have anything to

1 do with agricultural whatsoever?
MS. THEAS: No. I mean, they thought so, but
2 no. It is farmed.
CHAIRMAN PURCELL: Here's what I'm going to
3 do.
MS. DAY: It is farmed?
4 MS. THEAS: It is.
MS. DAY: But the bakery is not part of the
5 farm?
MS. THEAS: No, no.
6 CHAIRMAN PURCELL: The request, the request
from Kristy and Josh is that we amend this document, we
7 amend this in terms of either approving or rejecting a
bakery-manufacturing-wholesale. That's the request.
8 MS. THEAS: Yes, and I have --
MR. BACHMAN: And I'll throw the commissioners
9 in there, too, as far as the request.
MS. THEAS: Yeah, we're giving a
10 recommendation to the commission.
CHAIRMAN PURCELL: I'm going to -- I'm going
11 to ask for that vote. Keep this thing narrowed down.
Would you please call the roll?
12 MS. THEAS: Can I state something --
CHAIRMAN PURCELL: Please.
13 MS. THEAS: -- real quick?
CHAIRMAN PURCELL: Please.
14 MS. THEAS: Also, there is businesses on the
corner of that that's business district -- it's
15 Interstate Batteries -- and there's another section,
it's about a four-acre lot there, that's also business.
16 They could also come and request for a zoning change.
You guys can deny it and, again, it will go to the
17 commission, and if they change that to business
district, then that is 80, maybe 90 acres, and it will
18 be all business. Just saying.
CHAIRMAN PURCELL: The business today is
19 Interstate Battery and what else?
MS. THEAS: There's nothing there right now.
20 It's a bunch of -- he's been doing a bunch of dirt
work, which is a pond, but it is, it's zoned business.
21 MS. DAY: But it's zoned business; it's not
zoned agriculture?
22 MS. THEAS: That's right, but it's connected.
I mean, the whole strip there. I mean, so in zoning
23 order -- regulation -- I mean, you know, like, if they
came in front of you, I mean, there's businesses just
24 all around, all around that. So there's -- it could be
business. I mean, they are being taxed now. Business,
25 commercial taxes on --
CHAIRMAN PURCELL: Interstate Battery's paying

1 taxes.

2 MS. THEAS: Oh, yeah. Oh, yeah. No, but the
3 bakery is now as well, because the assessor's office
4 can tax on the use of the property, so they took an
5 acre and that bakery, and they are now taxing
6 commercial, and it's a lot more. I mean, I looked at
7 the figures because I took them up to the assessor's
8 office myself.

9 CHAIRMAN PURCELL: I'm too dumb to ask this
10 question. If the assessor now has identified it as
11 commercial use and is taxing it as such, isn't it a
12 moot point what we're being asked to do?

13 MR. CORNELIUS: Yeah. I agree with Al.

14 CHAIRMAN PURCELL: I mean, they de facto --

15 MR. CORNELIUS: They did.

16 MR. BACHMAN: Well, here's, here's the thing.
17 The statutes and our zoning order require -- any change
18 to our zoning order, it has to receive your guys's --
19 it has to have your recommendation, and your
20 recommendation can be thumbs down, but it has to -- and
21 we have a public hearing, which I think Mr. Fortune
22 over there and, you know, that's about it, and but you
23 all have to vote on it, and it could be no or it could
24 be up, but -- but you have to give your -- give a
25 recommendation, whether yes or no, and then it will go
to the commissioners and they can decide whether or not
they want to change it or not.

CHAIRMAN PURCELL: I don't want to go into
this, but I go back to Pat's earlier comment, how
long -- a question, a statement -- how long they've
been in business and then there was some speculation,
you know, two to three or years, and now they're paying
a business tax, and so now it's not our responsibility
but it's the responsibility of the assessor's office if
they want to go back and claw back the two or three
years they've been in business. That's their
responsibility. Our responsibility is shouldn't we
have cleaned up the zoning?

20 MS. THEAS: Yeah, the zones, they're in a
21 zoning violation, and we are in charge of the zoning
orders.

22 MS. DAY: Right.

23 MS. THEAS: And they are violating those, as
of right now.

24 CHAIRMAN PURCELL: And I would ask Josh this.
Do we have the purview to shut down a business?

25 MR. BACHMAN: Well, we could file an
injunction against them and have a court order to
shut -- that they cease operations, and that thus also
would stop the paying taxes. But -- but yes, no, we

1 could ask a court to shut them down, yes. That's our
2 ultimate hammer with most of these things is to ask for
an injunction.

3 COMMISSIONER HOOK: Is it a residence, too, or
just a bakery?

4 MS. THEAS: Just a bakery.

5 MR. BACHMAN: It's not a -- it's not a home
business. There is a --

6 MS. THEAS: We tried that avenue too.

7 CHAIRMAN PURCELL: Well, some could also say
that it's been a business office for quite some time,
because if you drive by the property, they do business
out of the property. It's not just baking but it's
running your business.

8 So anyway, I'm going to ask for the vote in
terms of what is requested of a bakery underneath this
9 area of A-1. Please call the roll.

10 MR. SHARP: Question.

11 MS. THEAS: Yeah.

12 MR. SHARP: No or yes, reason? Do you have to
give a reason or not?

13 MS. THEAS: You're giving a rec -- you're just
giving a recommendation.

14 MR. SHARP: You're just going to be yes or no,
ain't you? Isn't it yes or no?

15 MS. THEAS: Yes.

16 MR. BACHMAN: Yes or no.

17 MR. FRAKES: No reason.

18 MR. SHARP: No reason. Okay.

19 MS. THEAS: Okay. So this is yes or no for a
proposed amendment to the table of uses for a
conditional use permit bakeries-manufacturing-wholesale
in A-1, to change the table of uses.

20 Okay. Scotty Sharp?

21 MR. SHARP: No.

22 MS. THEAS: Glen Frakes?

23 MR. FRAKES: No.

24 MS. THEAS: Mike Korte?

25 MR. KORTE: No.

MS. THEAS: Rodney Fry?

MR. FRY: No.

MS. THEAS: Pat McLearn?

MR. McLEAR: No.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: No.

MS. THEAS: Shirley Day?

MS. DAY: Nope.

MS. THEAS: Fred Corkins?

MR. CORKINS: No.

MS. THEAS: And Al Purcell?

1 CHAIRMAN PURCELL: No.
MS. THEAS: Okay.

2 CHAIRMAN PURCELL: With that said, what --
there's a hearing, evidently, on August the 12th?

3 MS. THEAS: Correct, in the commissioner's
office.

4 CHAIRMAN PURCELL: Okay, and that's between
the party and the commissioners?

5 MR. BACHMAN: No.
MS. THEAS: No.

6 MR. BACHMAN: It's strictly the commissioners.
They will decide whether or not they want to --

7 MS. THEAS: -- agree.
MR. BACHMAN: Yeah, agree with you all or

8 disagree and go ahead and change the table of
ordinances.

9 COMMISSIONER HOOK: But it won't be a closed
meeting. It's open --

10 MS. THEAS: It's open, yeah.
COMMISSIONER HOOK: -- so they could show up.

11 MR. BACHMAN: Yeah, and that's why they have
the date there. We'll make sure that --

12 MS. THEAS: -- everybody's aware.
MR. BACHMAN: We're going to have a public

13 hearing, which we're having now.
CHAIRMAN PURCELL: A question, a question.

14 Since we didn't -- Will they still be required to come
before this board?

15 MR. BACHMAN: Unless the commissioners still
decide to change the table of uses and allow bakeries
16 as a conditional use in A-1, then yes, they will still
need to come in front of the board to get that
17 conditional use.

MR. FRAKES: Either way, they're coming.

18 MR. BACHMAN: Well, that's if the
commissioners decide to change it.

19 CHAIRMAN PURCELL: Yeah.
MS. THEAS: If they don't, then no, they will

20 have to cease and -- cease operation. We'll have to --
MR. BACHMAN: Or they would have to apply

21 to --
MS. THEAS: To rezone.

22 MR. BACHMAN: Yeah, they'd have to apply to
rezone where they're at to business, at which point
23 they'll come back in front of you all, and then much
like we're doing here, do a recommendation and the
24 commissioners could decide whether or not they want to
just rezone that entire 80 acres as business.

25 COMMISSIONER HOOK: Or they could section off
the little two acres, they could sell the two acres and

1 just rezone it.
MS. THEAS: Correct. Yeah, we did offer that
2 up as well in our meeting.
CHAIRMAN PURCELL: Then that becomes a whole
3 different bucket.
COMMISSIONER HOOK: Yep.
4 CHAIRMAN PURCELL: Yeah. It keeps it very
clean.
COMMISSIONER HOOK: That's your --
CHAIRMAN PURCELL: Well, it's cleaner if you
6 were going forward and building it.
COMMISSIONER HOOK: Correct.
7 CHAIRMAN PURCELL: We found it in existence
here.
COMMISSIONER HOOK: Correct. Correct.
MS. THEAS: Okay.
9 CHAIRMAN PURCELL: Okay. Well, that was easy.

ITEM 4:

10 Chairman Purcell recapped the discussion from
the last meeting and said that at the end of tonight's
11 discussion, he would be asking for a vote on the
proposed ordinance. He said the commissioners have
12 looked at the ordinance quite a bit over a long period
of time.

13 The Chair reiterated the role of the board is to
provide the commissioners with input and they are the
14 final arbiter of the ordinance.

The Chair called on County Attorney Joshua Bachman.
15 Mr. Bachman brought up some questions and comments from
the board at the last meeting and said that the
16 documents Black & Veatch provided in August of 2023
discussed most of them. Mr. Bachman then walked
17 through the draft ordinance that was sent to the board
for tonight's meeting.

18 Attorney Bachman referred to Page 4 of the
ordinance where it talks about permit fees. Mr.
19 Bachman reported that tying the permit fees to revenue
of USES would be ill-advised because there is a lot of
20 case law saying the fees need to be tied to the size or
scope of the project, not how much money it brings in.

21 Mr. Bachman doubled the permit fees in the draft
ordinance because it could be expensive when there is
22 an application, stating it's going to take a lot of
county time and a lot of Ms. Theas' time to review.
23 Mr. Bachman suggested the board will want to retain a
consultant to review applications and maybe testify to
24 the board. He said there is a need for permit fees.

25 Mr. McLear wanted to know how much money was paid
to Black & Veatch. His thought was that the board
would like to recover some of that cost through the

1 permit fees.

2 Presiding Commissioner Nelson and Mr. Bachman did
3 not know the actual number. Presiding Commissioner
4 Nelson said he would email the number to the board.

5 Ms. Theas commented the Planning & Zoning Board had
6 been working with Black & Veatch for years.

7 Mr. McLear said he would like to recover the
8 expenses to the county.

9 Presiding Commissioner Nelson responded that maybe
10 you could recoup fees down the road and maybe not, but
11 sometimes due diligence costs money.

12 The Chair reminded the board that the Supreme Court
13 said Utility-Scale Solar Energy Systems are not tax
14 exempt and that if a Utility-Scale Solar Energy System
15 was to be built, revenue would come in from taxes,
16 which would far exceed an application fee.

17 Mr. Bachman discussed the visual buffer section on
18 Page 6. He put in highlighted language at the bottom
19 of Page 6 under C.2 the following: "...to shield the
20 USES from view of adjacent landowners and the public
21 right-of-way (for instance, Leyland cypress trees
22 planted at 8-10 foot intervals.)"

23 It was Mr. Bachman's recommendation that the board
24 not put something that specific in the ordinance. He
25 used an example of an earthen berm versus cypress
trees. If the earthen berm were a more ideal choice
but the applicant said it's cheaper to do cypress
trees, the board couldn't say cypress trees aren't the
ideal buffer when it's in the ordinance that it is.

Mr. Bachman cautioned the board about being too
specific and instead let the applicant present its plan
to the board, stating if it doesn't accomplish the
objectives of the ordinance, then it will not get
approved.

Mr. McLear countered with the argument that you
will avoid litigation if one size fits all. He said a
portion of the draft ordinance suggested flowers or
bamboo. Mr. McLear believes there will be litigation
and the public will be angry if they have to see the
Utility-Scale Solar Energy Systems. He said the
Leyland cypress trees grow 60 feet tall, solar panels
are 25 feet, so you wouldn't have to worry about people
complaining about an unsightly situation. Mr. McLear
used an example of someone building a \$200 to \$300,000
home across the road, an applicant putting a
utility-scale energy system in, and the commission
allowing them to plant daffodils as a visual buffer.
Mr. McLear wanted to be on record that he doesn't want
to be any part of that. He believes Mr. Bachman's
suggestion is opening the county up to litigation, not

1 preventing it.

2 Mr. Bachman's rebuttal was if an applicant came
3 before the board saying they have a visual buffer plan
4 to put daffodils down, that would not be approved. It
5 has to be something that provides a year-round visual
6 buffer to restrict view of USES from adjacent public or
7 private property, including property located across a
8 public right-of-way. If it does not do that, the
9 application is rejected.

10 Chairman Purcell said under Section C, the board
11 has to approve what the visual buffer is.

12 Ms. Day concurred.

13 Mr. Bachman said the applicant has to present a
14 plan.

15 Mr. Cornelius commented he believes the board has
16 the power to do what it needs to.

17 Mr. Bachman next addressed decommissioning. He
18 said there is not a gold standard for decommissioning.
19 He directed the board to Pages 8 and 9 of the draft
20 ordinance where Black & Veatch set out the objectives
21 of what a decommissioning plan has to do. He further
22 stated the applicant has to present their
23 decommissioning plan to the board, what that plan is
24 going to be, and how they are going to guarantee
25 payment for it.

Attorney Bachman stated he removed all references
to the letter of credit from the draft ordinance.

Mr. Bachman then read the objectives from the draft
ordinance and suggested the board may need to have an
expert consultant for this. He stated the applicant
has to renew their plan every 5 years to make sure they
have enough funds to decommission.

Mr. Bachman recommended not getting too specific
regarding decommissioning because, due to technology
and experience, there may be a much better way to
decommission in 2040 than in 2024, and the board needs
to keep it flexible.

Chairman Purcell commented that with an approved
USES plan being revised every 5 years, it stays current
in what the state-of-the-art is.

Mr. Bachman discussed what a sound basis would be
for rejecting an application.

Ms. Day confirmed that the ordinance can also be
revised. Mr. Bachman said in order to do so, the board
would give their recommendation to the commission, the
commission would vote, and there would need to be a
public hearing.

Mr. Frakes brought up the waiver of a 100-foot
setback on Page 6. He believes an applicant could
crowd that 100 feet and get closer than 100 feet of the

1 property line. He recommended removing the waiver from
the ordinance, and the board consented.

2 Chairman Purcell called the meeting closed.

3 Mr. Bachman stated that his interpretation of
Missouri statutes is while the commission can vote yea
4 or nay regardless of what the Planning & Zoning Board
does, they can only consider what the board has
actually reviewed as far as the language.

5 Mr. Bachman also clarified what the board is voting
6 on is the current draft ordinance as written, minus the
waiver clause.

7 He further asked whether the description of cypress
trees is included for the board's consideration.

8 Ms. Day commented that it is just an idea.

9 Chairman Purcell said he doesn't believe it is
sacrosanct and also sees it as a for instance and
further states there needs to be a buffer, a plan that
this board approves.

10 Mr. Bachman asked if the board would like to keep
that in the draft for the commissioners.

11 Mr. McLear asked to vote on it.

12 Chairman Purcell said he didn't hear any
opposition.

13 Mr. McLear reiterated he is in opposition and he
wished to leave the cypress trees in.

14 Mr. Bachman said to ask for a motion.

15 Mr. Frakes moved that the board leave the cypress
trees in.

16 Chairman Purcell clarified that the current vote of
the board would be with it staying in.

17 The Chair asked Ms. Theas to call the roll to vote
on the rules and regulations as written, with the
exception of the waiver.

18 Ms. Theas explained that the board's responses just
need to be yes or no to the whole proposed ordinance.

19 MS. THEAS: Scotty Sharp?
MR. SHARP: Yes.

20 MS. THEAS: Glen Frakes?
MR. FRAKES: Yes.

21 MS. THEAS: Mike Korte?
MR. KORTE: Yes.

22 MS. THEAS: Rodney Fry?
MR. FRY: Yes.

23 MS. THEAS: Pat McLear?
MR. McLEAR: Yes.

24 MS. THEAS: Cody Cornelius?
MR. CORNELIUS: Yes.

25 MS. THEAS: Shirley Day?
MS. DAY: Yes.

MS. THEAS: Fred Corkins?

1 MR. CORKINS: Yes.
MS. THEAS: Al Purcell?
2 CHAIRMAN PURCELL: Yes. Thank you.
MS. THEAS: Oh, my God.
3 CHAIRMAN PURCELL: At 7:47 it's been landed.
MS. THEAS: Two -- two years.
4 (Inaudible.)
CHAIRMAN PURCELL: A motion to adjourn.
5 MR. CORKINS: So moved.
CHAIRMAN PURCELL: Second?
6 MR. FRAKES: Second.
(Hearing adjourned.)
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1 REPORTER'S CERTIFICATE.


2 STATE OF MISSOURI)
3 COUNTY OF BUCHANAN)

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

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

15 IN WITNESS WHEREOF, I have hereto set my hand and
16 affixed my seal this 19th day of July, 2024.

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Karen J. Lyman, CCR #395