

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RUTH CAMPBELL, ET AL.,)	No. ED99622
)	
Plaintiffs/Appellants,)	Appeal from the Circuit Court of
)	Franklin County
vs.)	
)	Honorable Robert D. Schollmeyer
COUNTY COMMISSION OF FRANKLIN)	
COUNTY,)	
)	
Defendant/Respondent,)	Filed: July 22, 2014
)	
AND)	
)	
UNION ELECTRIC COMPANY, D/B/A)	
AMEREN MISSOURI,)	
)	
Intervenor-Defendant/Respondent.)	

Plaintiffs Ruth Campbell, Nancy Campbell, Edwin Elzemeyer, Jr., Euline Elzemeyer, Richard Stettes, Lorainne Stettes, Kara Carter, Jennifer Carter Norris, Katherine Carter Thomas, Susan Yarbrough, John Yarbrough, and the Labadie Environmental Organization (collectively “Labadie Neighbors”) appeal the judgment of the Franklin County Circuit Court in favor of defendants County Commission of Franklin County (“County”) and Union Electric Company, d/b/a Ameren Missouri (“Ameren”).

REVERSED. TRANSFERRED TO SUPREME COURT PURSUANT TO RULE 83.02.

DIVISION FOUR HOLDS: We reverse the trial court’s dismissal of Labadie Neighbors’ claim that County failed to conduct valid public hearings. Because the trial court erred regarding the threshold matter of whether the landfill zoning amendments are void for failure to conduct valid hearings, we reverse as premature the trial court’s judgment affirming County’s decision to adopt the zoning amendments on the merits. We would remand this matter to the trial court for further proceedings consistent with this opinion. However, because of the general interest of the question posed by this case, we transfer to the Supreme Court pursuant to Rule 83.02.

Opinion by: Lisa S. Van Amburg, P.J.
Patricia L. Cohen, J., concurring in a separate opinion and
Gary M. Gaertner, Jr., J., concurring in result in a separate opinion.

Attorney for Appellant: Maxine Lipeles

Attorney for Respondent: (Union Electric Company) James Virtel
Timothy Tryniecki and Steven Kuenzel (co-counsel)

(County Commission of Franklin County) Mark Vincent
Joseph Purschke (co-counsel)

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**