

Memo: Records Withheld or Denied — With the City's Stated Reasons

Prepared by Dr. Jackie D. Ramey · July 10, 2026 · Source: City Clerk Abbie Ogborn's written responses dated June 29, July 2, and July 7, 2026

Every item below was either denied outright, answered with "the City has identified no responsive records," or refused as seeking legal analysis rather than an existing record. Quotes are the City's own words.

1. The M-1 use-authorization basis (asked three separate times)

Item: The specific zoning code provision relied on to permit the plant (405.560 M-1 vs. 405.570 M-2), or written confirmation under 405.080(A)(2)(c) if the use isn't listed; any staff report, interpretation, or determination behind it.

City's stated reason (7/7/26): "The City has identified no responsive records. To the extent this request seeks legal interpretations, explanations, determinations, or conclusions, Chapter 610 RSMo. does not require the City to provide such information."

Item: The "M-1 use dedication" — any instrument, covenant, or written assurance that permanent asphalt production is a permitted M-1 use.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Whether the plant was approved temporary/portable (12-month cap) or permanent, and if permanent, the M-1 provision authorizing it.

City's stated reason (7/7/26): "The City has identified no records responsive to this request beyond those previously provided."

Item: Non-privileged zoning interpretation or written finding identifying the M-1 code basis (with only genuinely privileged legal advice redacted, not withheld in full); or, if none exists, written confirmation that the determination rests solely on advice of counsel.

City's stated reason (7/2/26): "There are no documents related to this request. Chapter 610 RSMo... does not require the City to create records, answer questions, or make legal conclusions or determinations."

2. Privilege log

Item: A privilege log for every withheld record — date, author, recipients, subject, and the specific statutory exemption cited (required on request under §610.023.4 RSMo when access is denied).

City's stated reason (7/2/26): "There are no documents related to this request. Chapter 610 RSMo... does not require the City to create records, answer questions, or make legal conclusions or determinations to decide what records are sought."

3. Site-plan compliance & safety-condition records

Item: Setback/screening/buffering analysis under 405.540 where the plant abuts residential property — measurements, required fencing/berm/landscaping, and the compliance analysis.

City's stated reason (7/7/26): "There are no documents related to your request... The city's zoning code can be found online here: <https://ecode360.com/WR3486>."

Item: Whether the existing tree line satisfies 405.540(A)(4)'s opaque-screen requirement (height, location, condition).

City's stated reason (7/7/26): "There are no documents related to your request."

Item: Dust/noise/vibration/odor control plans and equipment submitted for or required by approval, with engineering/compliance review.

City's stated reason (7/7/26): "There are no documents related to your request."

Item: Setback/separation measurements from the plant to nearby residences (several sharing a zero-foot property line), the high school, churches, and parks.

City's stated reason (7/7/26): "The City has identified no responsive records beyond materials previously provided."

Item: The approved truck route/hours/staging plan and how truck traffic is restricted around the high school across all calendar variations (half-days, early dismissal, weather).

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Any record that the school district was consulted on, or confirmed, the plant's "safety hours."

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: The complete record developing the Planning & Zoning public-safety condition — origin, studies/analysis relied on, and any determination that it has been satisfied.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: The specific odor/noise performance-standard code sections applied, and any determination those standards are adequate for a use abutting homes (measurable limits, monitoring/enforcement).

City's stated reason (7/7/26): "The City has identified no responsive records. The online code and nuisance codes can be found online here... See for example, Section 405.100.A.4, Section 210.670, and Chapter 215."

4. Permits, agreements & state-agency correspondence

Item: Any NDA, development, reimbursement, or MOU/letter-of-intent agreement with the applicant/owner/developer, and all records arising from it; pre-purchase zoning inquiries (2024–present).

City's stated reason (7/7/26): "There are no documents related to this request."

Item: All permits issued or pending — zoning, grading, land-disturbance, building, sign, access — with checklists, review notes, inspections.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: All City–DNR/EPA correspondence (email and text/SMS) on the site; non-privileged City–legal-counsel correspondence.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: City records on the DNR air permit (032010-001AK) and any stormwater/land-disturbance permit or SWPPP.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Any zoning-verification, compliance, or written use-determination letter to the applicant/owner/consultants or to DNR/EPA (2024–present) stating the M-1 classification; any City letter of support/no-objection for a state permit.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Any legal description/parcel certification given to a state agency or the applicant describing the property as 5 lots; any local land-disturbance, grading, SWPPP, or floodplain permit issued before June 11, 2026.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Written determination that any condition of approval has been satisfied (who decided, and when).

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Any revised site plan submitted after the June 11 approval.

City's stated reason (7/7/26): "The City has identified no responsive records."

Item: Consolidated/boundary-adjustment/record-plat application for the six parcels, if any.

City's stated reason (7/7/26): "No additional responsive records have been identified." (Referred back to the previously produced Magruder Quarry Project Set.)

5. Partial exception — records produced with redactions

Item: Email/text messages from Alderman Ramiz Hakim around and after the August 2025 P&Z meeting, and all replies/forwards.

City's response (7/7/26): "Responsive records are attached. Certain responsive records, or portions thereof, have been withheld or redacted pursuant to Section 610.021(1), RSMo., which authorizes a public governmental body to close records relating to legal actions, causes of action or litigation... and any confidential or privileged communications between a public governmental body or its representatives and its attorneys."

Pattern to flag for the AG: nearly every substantive item was answered "no responsive records" or refused as an impermissible request for "legal interpretation," with no privilege log ever produced for the one item (Hakim correspondence) where redaction was actually invoked — despite a direct, repeated request under §610.023.4 RSMo for exactly that log.