FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY GOVERNMENT CENTER
400 EAST LOCUST STREET
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS
PLANNING AND ZONING COMMISSION
DECEMBER 17, 2019
(COMMENCING AT 7:00 P.M.)

Reported by:
Patsy A. Mayberry, C. R.
Alaris Litigation Services
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(Note: All exhibits, if any, were retained by the parties and are not attached hereto.)

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BILL EVANS, CHAIRMAN
DAN HAIRE, VICE CHAIR
TIMOTHY REINHOLD, COMMISSIONER
STANLEY VOSS, COMMISSIONER
BILL McLAREN, COMMISSIONER
RON WILLIAMS, COMMISSIONER
DEBBIE WILLETTE, COMMISSIONER
MIKE KLENKE, COMMISSIONER
DENNIS HARTMANN, COMMISSIONER
MARK FRANKENBERG, COMMISSIONER

PLANNING AND ZONING STAFF:
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P R O C E E D I N G S
(DECEMBER 17, 2019)

CHAIRMAN EVANS: I'd like to call to order the December 17th meeting of the Franklin County Planning and Zoning Commission.

Scottie, will you call the roll.

MS. EAGAN: Bill Evans?
CHAIRMAN EVANS: Here.

MS. EAGAN: Dan Haire?
COMMISSIONER HAIRE: Here.

MS. EAGAN: Mike Klenke?
COMMISSIONER KLENKE: Here.

MS. EAGAN: Bill McLaren?
COMMISSIONER McLAREN: Here.

MS. EAGAN: Tim Reinhold?
COMMISSIONER REINHOLD: Here.

MS. EAGAN: Stan Voss?
COMMISSIONER VOSS: Here.

MS. EAGAN: Debbie Willette?
COMMISSIONER WILLETTE: Here.

MS. EAGAN: Ron Williams?
COMMISSIONER WILLIAMS: Here.

MS. EAGAN: Dennis Hartmann?
COMMISSIONER HARTMANN: Here.

MS. EAGAN: Mark Frankenberg?
COMMISSIONER FRANKENBERG:

Here.

MS. EAGAN: We have a quorum.

CHAIRMAN EVANS: Thank you.

At this time, I will give the

Commissioners the opportunity to declare any

conflicts, communications, or relationships they may

have had that might influence their ability to

consider today's issues impartially.

(NONE)

If there are no declarations, Scottie,

will you please give us the presentation of the

meeting procedures and exhibits.

MS. EAGAN: Tonight's Planning

Commission meeting is governed by the Franklin County

Unified Land Use Regulations.

Some matters on the agenda may be for

action by the Planning and Zoning Commission. These

matters do not involve public hearings.

Other matters on the agenda require

public hearings under Missouri law. If a matter

involves a public hearing, all individuals who desire

to testify will be given an opportunity to do so.

At this time, I would like to place into

the record these regulations as Exhibit A, the
offical Zoning Map as Exhibit B, the official Master Plan as Exhibit C, and the case file for each case as Exhibit D for all the cases to be heard during the public meeting.

(THEREUPON, EVIDENCE WAS MARKED FOR IDENTIFICATION AND SUBMITTED FOR THE RECORD AS EXHIBITS A, B, C, AND D.)

All Unfinished Business items on the agenda will be dealt with first. Once the Unfinished Business issues have been taken care of, each item of New Business will be opened.

As each case is opened, a staff report will first be read to the Commission, followed by any questions for the staff.

Then if anyone in the audience would like to speak or comment on a file that is part of the public hearing, they must first print their name on the sign-in sheet provided, and then be sworn in by the Chairman.

When it is your turn to speak, you will come to the front of the room to address the Commission and only the Commission, not anyone in the audience, with your comments.

It is possible for the Planning
Commission to decide to move a New Business issue to Unfinished Business and vote on it the same night.

At the conclusion of all questions, comments, and discussion concerning each case, the Planning Commission will proceed. Any final decision by the Planning and Zoning Commission concerning Conditional Use Permits may be appealed to the Board of Zoning Adjustment any time within 90 days.

Applications for such an appeal may be acquired from the Department offices during normal business hours.

CHAIRMAN EVANS: Thank you.

All the Commissioners should have received a copy of the minutes from the October 15th meeting. If there are no additions or changes, the Chair would entertain a motion to approve.

COMMISSIONER WILLIAMS: I might have one correction. It's on page 7 -- page 28 of the transcript shows a vote right in the middle of a discussion. There's no call for a vote there. That was some discussion was taking place.

CHAIRMAN EVANS: Thank you, Ron.

COMMISSIONER WILLIAMS: Yes.

CHAIRMAN EVANS: Are there any
other additions or corrections?

(NONE)

If not, the Chair would entertain a vote to approve the minutes with the change that Ron suggested to remove line 11 through 22 on page 28.

COMMISSIONER WILLETTE: I'll make that motion.

COMMISSIONER KLENKE: Second.

CHAIRMAN EVANS: We have a motion and a second to approve the October 15th minutes. All in favor signify by saying aye.

COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLAREN: Aye.
COMMISSIONER WILLETTE: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER KLENKE: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER FRANKENBERG: Aye.
COMMISSIONER HARTMANN: Aye.
CHAIRMAN EVANS: Opposed?

(NONE)

The minutes are approved.

Communications and Visitors Comments.
Anyone present wishing to address the Commission?

(NONE)

If not, we'll move on to Unfinished Business. Which we have none.


Scottie, please give us the details.

MS. EAGAN: This is File 190233.

The applicant is Barrett Materials, Inc.

The applicant wishes to operate a rock quarry in the Non-Urban and Agricultural Zoning District.

The property is located at 5325 Hoeman Road on the north side of Hoeman Road approximately 1,600 feet south of Detmold Road in Lyon Township.

THE FACTS: The total parcel is just less than 300 acres in size, but the quarry will only use approximately 45 acres.

This property is located in the Non-Urban and Agricultural Zoning District. In this district, extraction, quarrying or mining of sand, gravel, topsoil, or other material uses require a Conditional Use Permit.

The properties around the proposed site
are zoned Agricultural Non-Urban.

The area surrounding the proposed site is generally undeveloped land with a few low-density residential properties.

There appears to be 23 buildings on the entire property; however, no buildings appear to be on the proposed 45-acre quarry site.

The proposed site has access to Hoeman Road. This is a county road with a right-of-way width of 30 feet.

The applicant is not the current owner of the property, but we do have a letter from Ms. Brandt allowing Barrett Materials to apply for the permit.

STAFF COMMENTS: Any buildings used or built in connection with this CUP will need to be approved by the Franklin County Building Department for a commercial building.

All new and/or existing entrances will need to be examined by the Franklin County Highway Department for a commercial entrance. Planning and Zoning shall receive documentation of approval prior to issuance of a CUP.

The applicant should have hours of operation.

The applicant must have all the necessary
license, permits, and certificates required to do business in the county and state. Planning and Zoning shall receive documentation prior to issuance of a CUP.

No storage of construction material, including debris and trash, shall be outside the limits of the quarry.

The applicant shall dedicate an additional 10 feet of right-of-way along Hoeman Road for a total of 25 feet from the centerline.

CHAIRMAN EVANS: Thank you.

Is the applicant present?

MR. JOE FELDMAN: Yes.

CHAIRMAN EVANS: Will you step forward, please, state your name and address, sign in and be sworn.

MR. FELDMAN: My name is Joe Feldman, Cochran Engineering, 530 East Independence Drive, Union, Missouri.

CHAIRMAN EVANS: We'll proceed.

The applicant has 15 minutes to present their case. Then anyone wishing to speak in favor will have up to five minutes to speak.

Once that's done, then anyone in opposition will be allowed the same opportunity to
speak.

Once everyone has had their opportunity
to speak, then the applicant will have an opportunity
to rebut.

Finally, the Commissioners can ask
questions at any time they choose.

MR. FELDMAN: My name is Joe
Feldman, Engineer.

(THEREUPON, THE WITNESS WAS
SWORN.)

I'm Joe Feldman with Cochran Engineering.

I'm representing Barrett Materials in this Conditional
Use Permit for the approval of the proposed quarry and
property on Hoeman Road from Franklin County.

The Barrett family name has been around
since 1940, and they have run Enochs Knob Quarry since
1988. A number of years ago, Barrett Materials
applied for a business permit on the site near the
intersection of Highway C and Y on Vedder Road and
Detmold Road. This resulted in their business moving
two counties over to Belle, Missouri.

Barrett Material would again like to put
a facility in Franklin County. They feel they have
selected the site that will meet approval of the
planning and zoning conditions.
The site proposed on this plan -- I think you have the packet showing the location is approximately six miles southwest of New Haven near Detmold.

The site is just north -- or west of Boeuf Creek, just south of the intersection of Detmold Road and Hoeman Road with two slab crossings, or two low-water crossings on the Boeuf Creek.

Neither of these slabs is travel worthy and are mainly only used by local traffic. Barrett Materials is not proposing to use Detmold Road for their trucks. They will use Hoeman Road north to Excelsior Road running northeast to Highway Y, again north to Highway E, approximately two and a half miles west of New -- Excelsior, it's approximately three miles from the Gasconade County line close to Stoney Hill.

Barrett Materials has operated Enochs Knob Road for 33 years. During that time, the road has not -- Enochs Knob Road has not required any maintenance other than standard maintenance.

COMMISSIONER WILLIAMS: Wear and tear of the truck road on Hoeman Road near Excelsior Road pavement lasts for a period of three months. It's engineered for that.
Mr. James Barrett is available to answer any specific questions you may have concerning that service.

The sound level study report proposed in the application is the same as discussed when he applied for the Vedder Road site. The sound level report was obtained at that time, and the results of that report was that the sound levels were well within the standard of the proposed site, and the neighboring properties on the provided a buffer. Previously a mulch barrier was provided to reduce any concern of overflow of sound levels.

Barrett Materials said that in a good year, they haul between 30 to 40 thousand tons of the material. This equates to approximately 2,000 loads, or between 8 to 15 trips per day, depending on where they are hauling -- where they are hauling to.

They have two people available to discuss the day-to-day business, if needed.

Barrett Materials is a family-owned business with nine employees. They've worked and they've provided this service since 1988.

This equates to approximately 187,500 trips. And if you multiply this by two to get their trucks back to their yard, that's 375,000 trips.
The thing that's most impressive about this number is that they've done that without one accident.

Lastly, Barrett supplied me with some literature from their business periodicals that may be of some benefit to your looking at this application.

The first is from the "Limestone Producers Association". There are a number of items on this -- in this article, but I just picked out a couple of things that I thought were of interest.

"Limestone is mined in all but a few Missouri counties, and the industry employs more than 2,500 people, with a combined payroll of more than $600 million. More than 70 million tons of limestone aggregate is produced annually in the state, which is equivalent to about 10 tons for every resident."

And the last thing I saw in this was:

"Most limestone aggregate is used within 40 miles of where it is quarried. After a loaded dump truck travels about 20 miles,
freight charges begin to exceed
the cost of the aggregate product
that it carries."

And this is one of the reasons he would
like to be in Franklin County, closer to his
customers.

The other article I want to point out is
in the "Rocks Product" magazine of April 2018. The
article mentions a report that finds quarries do not
reduce home values. The report is written by scholars
from Auburn University and analyzes the relationship
between home price and quarry operations.

Barrett Materials has seen over 30 homes
built within a mile of the Enochs Knob site and 3 new
homes within a half a mile of their site.

So if approved, Barrett Materials would
look forward to providing quality aggregate to
Franklin County customers at competitive prices for
years to come.

I would welcome any questions you may
have concerning the information I present, and again
we have Mr. Herbs (ph.) here to answer any questions
from his engineering, and Mr. Barrett also.

CHAIRMAN EVANS: Any questions
from the Commissioners?
COMMISSIONER McLAREN: I have two. One is their end customer is a taxable customer, or is it some going to go out that's not going to have tax on it? Is that -- do you understand my question?

MR. FELDMAN: I'm not exactly. I think if you want to know if it's a Franklin County taxable customer; is that what you're looking for, or --

COMMISSIONER McLAREN: Yes, sir. Are there taxes going to be collected on this 30,000 tons?

MR. JAMES BARRETT: Yeah, almost all of that will be.

COMMISSIONER McLAREN: Okay. So I mean, you're not going to the State Highway Department or something that's not going to be taxed?

MR. BARRETT: Well, the County won't be taxed.

COMMISSIONER McLAREN: Okay. My second question is, can we go back to the 30,000. At the very first, I wasn't hearing well enough.

They're going to produce 30,000 tons a
year; is that what you said? I don't want to put
words in your mouth, if you can go back to where you
were.

MR. FELDMAN: No, that's
exactly what we said, in the good years, between 30
and 40 thousand.

COMMISSIONER McLaren: Okay.

And so how many truckloads is that?

MR. FELDMAN: Between the 30
and 40, there's about 15 trucks a day, depending on
how it is, you know.

COMMISSIONER McLaren: So they
haul all the material themselves there, there's not
anybody, another hauler, coming in?

MR. BARRETT: We haul most all
of it ourselves. There is occasionally other haulers
come by.

COMMISSIONER McLaren: Okay.

And once again, how many truckloads is
30? If it's 30,000 tons in a year, how many
truckloads is it?

MR. BARRETT: It's about 2,000
trucks.

COMMISSIONER McLaren: Okay.

COMMISSIONER WILLETTE: Mr.
Chairman, I have a question.

CHAIRMAN EVANS: Really, only the person at the podium should be speaking because it is testimony, and anyone else will have to step up, sign in, and be sworn. So everyone will have the opportunity.

MR. FELDMAN: Okay. I forgot to tell him that.

CHAIRMAN EVANS: Debbie.

COMMISSIONER WILLETTE: Other than the drivers hauling the materials, how many quarry employees do you expect to have?

MR. FELDMAN: He has nine employees.

COMMISSIONER WILLETTE: All right. Thank you.

CHAIRMAN EVANS: Do you have a question on that? I know he doesn't own the property. Does he basically have mineral rights, or does he intend to purchase the property?

MR. BARRETT: We'll have a lease with them, but we have --

CHAIRMAN EVANS: Please.

MR. BARRETT: Oh, I forgot.

Sorry.
MR. FELDMAN: They're working on a lease agreement, but until he has a conditional use permit, he hasn't finalized the agreement.

CHAIRMAN EVANS: Okay. So Ms. Brandt would still own the property?

MR. FELDMAN: That's correct.

CHAIRMAN EVANS: Okay. So the only one was which was first, as well as this, okay. Ron?

COMMISSIONER WILLIAMS: Do you have proposed hours of operation and days of operation?

MR. FELDMAN: Eight to five.

COMMISSIONER WILLIAMS: Five, six days a week?

MR. FELDMAN: Five and a half.

Sounds like they work Saturday mornings.

COMMISSIONER WILLIAMS: Okay.

Thank you.

CHAIRMAN EVANS: Any other questions?

COMMISSIONER HAIRE: Yeah, I have one for Ron.

I looked at Hoeman Road. What is your assessment of using that routing and the road? It
looks like, you know, when I was out there looking at it, it did feel a little rough with that many trucks going up and down it.

COMMISSIONER WILLIAMS: It's going to be rough for almost any of our roads with the traffic, but -- and I'm talking about heavy loaded trucks, you know, we're talking about quarry trucks.

At the same time, I'll say that we can't limit any type of vehicles on a roadway. The only thing that would be limit if we had a bridge or some sort of structural limitations that say like load limit or tonnage limit.

COMMISSIONER HAIRE: Okay.

COMMISSIONER McLAREN: I know that you have to -- you said you're going to get a permit, and I know in order to have a quarry permit, you have to have an end use for the property.

Is that correct?

MR. FELDMAN: Sounds like that is correct.

COMMISSIONER McLAREN: Okay.

And what would that be? When the quarry is done and going to be closed, what would that end use be?

MS. EAGAN: Maybe we can just bring up Mr. Barrett.
MR. FELDMAN: I was going to say let's bring Mr. Barrett up and see what he has.

CHAIRMAN EVANS: Any other questions for Joe?

MS. EAGAN: Joe, did you want to enter those as evidence in this part of the file, your articles, or just keep them with you?

MR. FELDMAN: I'll just keep them with me.

CHAIRMAN EVANS: If you'd state your name and address, sign in and be sworn.

(THEREUPON, THE WITNESS WAS SWORN.)

MR. BARRETT: James Barrett.

CHAIRMAN EVANS: First, last name and address, please.

MR. BARRETT: James Barrett, 3880 Boeuf Creek Road, New Haven, Missouri.

CHAIRMAN EVANS: All right.

Thank you. Any questions for Mr. Barrett?

COMMISSIONER McLAREN: I have. Well, as I've sat here, I've come up with another question also. But my first one was, when the quarry and the operation is done and it's time to close the quarry, what do you anticipate is the final use for
MR. BARRETT: That property there will probably be for like storing machinery or something like that because it will be coming in off the road level, you know. Our property on Enochs Knob where we're going to have an impoundment. It's all okayed by the DNR. So...

COMMISSIONER McLAREN: Okay.

Thank you.

MR. BARRETT: You can have all kinds of whatever, but that particular property would probably be just used to store or a feed lot or whatever you want, you know, out there. Being it's in the farm community right there, that'd make an ideal feed lot.

COMMISSIONER McLAREN: And you're going to quarry out all 45 acres?

MR. BARRETT: Oh, no, not all 45. I'll be over a hundred years old.

COMMISSIONER McLAREN: Well, somebody might quarry that after you're done -- after you're done breaking rocks.

MR. BARRETT: Okay.

COMMISSIONER McLAREN: So I
asked earlier, and the answer was yes, most of your
product will go out as a taxable product.

MR. BARRETT: Yes, sir.

COMMISSIONER McLAREN: And I
understand that the tax rate is the same, but the
value of the product is different, depending on what
you produce. But what would be your kind of average
taxes that would come in from this 30 -- 30,000 tons
into Franklin County a year?

MR. BARRETT: I got to turn
around and ask my wife, so okay. (Conferring)
It's between 25 and 4 thousand a month.

COMMISSIONER McLAREN: All
right. Thank you.

CHAIRMAN EVANS: And what would
you estimate the life cycle of that quarry to be?

MR. BARRETT: It could be a
whole bunch. You know, I don't know. It depends on
what you sell, and the -- it's just -- let's say
50,000 tons a year. So --

CHAIRMAN EVANS: And I guess
what I'm saying is how long would the quarry be in
operation? Do you have any estimate?

MR. FELDMAN: Can I go and
answer since I'm sworn in, or help?
CHAIRMAN EVANS: Yes.

MR. FELDMAN: The existing Enoch's Knob quarry is 15 acres, and it's been going on for 33 years plus --

MR. BARRETT: Longer than that.

MR. FELDMAN: Yeah. So I'm just kind of giving you something. This is 45 acres, so a number more years.

CHAIRMAN EVANS: Okay.

And again, you said you weren't going to quarry all 45 acres.

MR. BARRETT: No.

CHAIRMAN EVANS: Do you have any estimate again the number of acres that would be quarried?

MR. BARRETT: Well --

CHAIRMAN EVANS: I know the lease is recording high, but...

MR. BARRETT: That all depends upon how busy, you know. We'll probably stop at 45 acres, something like that. You know, we can always get more and get -- you know, if we need more.

I don't -- I don't -- I honestly can't tell you that. We sell about 30,000 a year, you know, something like that. You know, however long that
takes to use that all up.

CHAIRMAN EVANS: Okay.

MR. BARRETT: My dad, he's been dead a couple of years. He was 98 years old, and that quarry on Enochs Knob Road there was there when he was a little kid, and that was there about 98 years, and we finally got it used up. So I mean, I'm just telling you how big you could get.

CHAIRMAN EVANS: And as I said, before, how many acres is that quarry?

MR. BARRETT: That out there was 13 acres.

MR. FELDMAN: But again, what he's working with with Mr. Brandt, he doesn't want it impound in all that property. He doesn't want a big hole in the ground. He wants to be able to use that property, as Jim said, for machinery, equipment, other farm uses potentially.

So the 15 acres at Enochs Knob went down in the ground a number of feet so that they could get more rock, where this is going to be 45 acres. So it's going to be level with the ground.

MR. FELDMAN: He's got grain bins and stuff on the far edge of that property.

CHAIRMAN EVANS: Okay.
Any other questions from the Commissioners?

COMMISSIONER HARTMANN: Do you plan to use the other acreage at some point, the other 245 acres, or do you think --

MR. BARRETT: Oh, no. He's got -- his family's got houses on that.

COMMISSIONER HARTMANN: Okay.

CHAIRMAN EVANS: So your lease would be for just the 45 acres?

MR. BARRETT: For right now.

CHAIRMAN EVANS: For right now?

MR. BARRETT: Yeah. I'd have to come back for that -- something later.

CHAIRMAN EVANS: Okay. And again, I'm looking at the CUP. You requested 45 acres, so --

MR. BARRETT: Right.

CHAIRMAN EVANS: -- you would have to be back here to go any --

MR. BARRETT: Right.

CHAIRMAN EVANS: -- any bigger than that.

MR. BARRETT: Right.

MR. FELDMAN: And that's what
Mr. Brandt agreed to on the application, is the 45 acres.

CHAIRMAN EVANS: Okay.

Again, any other questions?

COMMISSIONER McLAREN: Mr. Chairman.

CHAIRMAN EVANS: Bill.

COMMISSIONER McLAREN: So if you're going down flat -- if you're going down flat, my quick map says there's about 2,500 tons of rock per foot on an acre.

MR. BARRETT: Let's see, about 3,200.

COMMISSIONER McLAREN: Well --

MR. BARRETT: What did you use, 150 pounds?

COMMISSIONER McLAREN: I just was -- I was using something, and it works out pretty good for me usually. I use 1,600 yards per foot, and 3,000 pounds per yard is what I was doing. So whether I'm right or wrong is irrelevant.

MR. BARRETT: We're close.

COMMISSIONER McLAREN: Okay.

How deep of cut are you making on this 45 acres to be flat to the road?
MR. BARRETT: Okay. I'm guessing just by looking at the height of the thing, I'm going to guess it's -- in the deepest part, it's probably not going to be more -- less than 50 feet.

COMMISSIONER McLAREN: Okay.

CHAIRMAN EVANS: Any other questions?

MR. BARRETT: We'll start 0 to 50, how's that?

CHAIRMAN EVANS: All right.

Thank you. Thank you, gentlemen. Thank you, Mr. Barrett.

MR. BARRETT: Oh, thank you.

CHAIRMAN EVANS: Is there anyone else present wishing to speak in support?

(NONE)

If not, is -- I'm sorry.

So you've got to state your name and address and sign in, please.

(THEREUPON, THE WITNESS WAS SWORN.)

MR. TIM OTTEN: Tim Otten from New Haven.

While I -- obviously we have to direct our comments to you as the Board, basically everybody
in this room, we all know each other. We might have a
difference of opinion on this, so my comments are also
directed at them so that we kind of all be on the same
page on there, because we all have to work together.

I'm an Alderman in the City of New Haven.

I get an opportunity to work with a lot of these
individuals in the area. There's -- in the New Haven
area, we're talking maybe 10,000 people. You know,
2,000 are in the city of New Haven, which is what I
represent. But my wife has a business that we deal
with a lot of the other people in the local area. So
I get a chance to talk with a lot of these different
individuals, and I think a lot of them are down here
tonight to basically hear what Mr. Barrett has to say,
see what his plans are, and that's kind of the opinion
I get.

But what I wanted to do, and I didn't
bring a power presentation like Mr. Feldman has done,
but I just want to point out a couple of different
things that when you're dealing with all these.

I deal with these on a daily basis as an
Alderman. I've been on Planning and Zoning for many
years up at -- up in New Haven. I've been on the
Franklin County Economic Committee. I've, you know,
been on a lot of these things. So I deal with this
all the time.

But the first thing is, when you have an applicant before you, most of you probably have never met Mr. Barrett, and you've got his representative coming up here telling you what a good guy he is, and you're like okay, you know, we don't really know.

But what I'm here to tell you is that what they said is true. He's been kind of a pillar, one of the pillars, of the community. If you talk to anybody, put together a list of the people that are well respected in the community of New Haven and the surrounding area, his name is always going to be on there.

So you know, plus with his family as it's growing out there. So you know, that's one thing that is important to point out because what he says he's going to do, you know, he might not come up here and present most -- the most polished presentation on what he's trying to do. But he's being it a long time. He knows what he's doing.

What he says he's going to do, he's going to do. Okay. So that's very important because we deal with this all the time.

You have these people coming in here for these conditional use permits, and you're like is he
really going to do that? Then a year later, they come back, you know, Scottie comes back and says, well, they're not doing what they said they're going to do. They didn't put a fence around their lot, and now you got to revoke it.

Well, when he says that -- Mr. Barrett says I'm going to have this around my community or around my quarry, you're not going to interfere with the neighbors, you know, what he's saying, that's correct.

Number two is the value of the property. I think last time when he did it, the big thing was it's going to decrease the value of property. I think if anybody discusses that, what they have to do is -- they need to have a discussion of the value of the property around his current operation.

You can bring in all the kinds of quarries and what other people does, but you have to focus on what has Mr. Barrett done to his community. And as he's pointed out, he's increased probably the value of those properties around him, not decreased.

So that's very important, and when you're talking about the value of the property around it, look at real data. Look at what's going on right now because that's -- you have data. You can go to there
and actually physically pick up the data.

And the third thing, of course, is -- and this is an issue we're all going to have an difference of opinion on, is the roads. You know, getting in and out.

But I think what you point out -- and I grew up in this area. I mean, I'm across the creek with him. You know, this childhood, I spent a lot of time on that creek. I've biked all these roads, you know, when you're a kid or a teenager, you're out there on Hoeman's Ford, Dimple Ford, probably, you know, doing things there on Saturday, Sunday, you know, whatever evening.

So I know this area. I know -- you know, like I said, I know a lot of these people here. You know, this is not something we want to just ruin our neighborhood. So it's not anything that Mr. Barrett takes lightly, but he's trying to find a place. You know, he tried a different spot, and he's trying this area here.

But what we're talking about is we're talking about 10 trucks a day, you know, 30,000. If you take, you know, however many, 250 days -- it's more like closer to 8, but if he's going more to 40, 50 thousand, you know, he might be up to 15 trucks a
day.

And his hours of operation is 8:00 to 5:00. Most of us at work by 8:00 and don't get home till 5:00. So the truck traffic is going to happen during the day. I have businesses that I operate with out of Gerald, Owensville, Sullivan, and I had an office down south of Rolla. So I drive these roads a lot during the day. And there's just not much traffic that we're dealing with.

So I think that's important to look at, is how much traffic and when the traffic is because that is a concern, but look at the time of the day that this traffic is at. And it's at the time when it's not a heavy traffic time, so you know.

And then dealing with is there going to be damage on the road. I mean, we -- he's been operating out of Enoch's Knob, and as he pointed out, you know, it is not damaging the road other than normal wear and tear on it.

You are going to have probably with any usage, you're going to have wear and tear on it, but that's part of -- you know, I sit on boards too. I know what those numbers are to fix those roads, and you know, if fixing --

CHAIRMAN EVANS: I would you to
finish up, please.

MR. OTTEN: Okay.

So the three points as I pointed out, were his character, the value of his property, and the roads themselves. Something to think about as you hear other testimony.

Thank you for your time.

CHAIRMAN EVANS: Anyone else wishing to speak in support?

Can you please state your name and address and sign in, please.

(THEREUPON, THE WITNESS WAS SWORN.)

MR. CHRIS PIONTEK: Chris Piontek, Piontek Farms, or land joining neighbors to the quarry on Enochs Knob within 50 feet of the fence, is the quarry. Our farm buildings are, I don't know, three or four hundred yards away, several buildings, grain bins, several buildings, houses. Never had a window break. Never had any kind of shaking that's beyond nothing.

So if people are thinking that it's a nuisance as far as that, it's nothing.

I'm going to make this short and sweet.

CHAIRMAN EVANS: Thank you.
Anyone else wishing to speak in support
of this file? If -- okay. We have --
Come forward, state your name and address
and sign in, please.

(THEREUPON, THE WITNESS WAS
SWORN.)

MR. DALE BOAHRDING: My name's
Dale Boahrding. I have lived on Excelsior Road my
whole life. We've seen a lot changes out there, heard
a lot of people talk about this. They say the roads
aren't going to hold up.

    Franklin County does a really good job
maintaining the roads. We run grain trucks in and out
of these roads, and he says eight trucks a day. We've
taken more than eight trucks a day hauling grain in
and out of our farm. I mean, the roads are going to
hold up. I mean, I'm running right up and down that
road hauling grain, and that's 80,000 pounds plus.

    And the roads are holding up. So you
can't really say the roads aren't going to hold up.
When they say Jim Barrett is a staple in our
community, he is. He'd give you the shirt off his
back if you needed it and he had it. I mean, what he
does he means it, what he says.

    So I just wanted to point that out. I
mean, we live out in the country, and you got to expect some of this stuff. I mean, the roads aren't going to be perfect everywhere, and they need maintained. The County does maintain them.

So I don't see this being a problem, and I hope you all take that into consideration, you know. It's not just their big trucks. I mean, the County trucks are going to need the roads too, you know, to haul the rock into our community to maintain the roads.

So it's -- the road conditions I don't see is going to be a problem.

Traffic-wise, you know, you're going to have them eight trucks running down the road, you know. How many cards we got going down that road everyday, just -- you know, just as much traffic. The trucks aren't going to run near as fast the cars do going down the roads.

I mean, I just feel as that's not going to be an issue. That's just what I kind of had to say about that. So I appreciate your time.

CHAIRMAN EVANS: Thank you.

Anyone else present wishing to speak in support?

(NONE)
If not, anyone present wishing to speak in opposition?

Come forward, please. State your name and address and sign in.

(THEREUPON, THE WITNESS WAS SWORN.)

MR. JOHN BERGER: My name is John Berger. I have copies --

MS. EAGAN: We'll have to get one marked. So hold on.

MR. BERGER: Okay.

(THEREUPON, EVIDENCE WAS MARKED FOR IDENTIFICATION AND SUBMITTED FOR THE RECORD AS OPPOSITION EXHIBIT 1 and 2.)

MR. BERGER: Again, my name is John Berger. I live at 8514 Excelsior Road in New Haven, which is located about -- will be located about two miles, if this quarry gets approved.

I just made myself some notes here. So I just wanted to -- so I would remember things I wanted to discuss, so I'm sharing this with you all.

The intersection on State Secondary Highway E and Highway Y, which sounds like it'd be the route maybe the trucks would be traveling, you really
need to use caution when you're making a left-hand
turn off of E onto Highway Y because the crest of the
hill is kind of a dangerous intersection.

If I have friends over who aren't
familiar with the area, I always caution them about
that intersection.

Franklin County R2 School, which is
nearby, grades kindergarten through eighth grade, will
blasting frighten the students? A pro point is tax
base for the school. Schools always need taxes.

Excelsior Road, which is presently a
paved road which is not designed to handle the amount
of traffic that it sounds like we're going to be
talking about on this road.

The weight that's proposed by the quarry
with the trucks would be putting on this road just too
much -- too much weight on it. It's not designed to
handle it.

His present quarry at Enochs Knob is a
thousand feet off of Highway 185. 185 is a state
route that can handle that kind of traffic. Excelsior
Road, in my opinion, cannot.

There are many stress cracks that should
be addressed on the county road. Other issues such as
potholes, ditches, culverts, clog up and guardrails
needing repair.

    In some of these cases, I have called the County Highway Department and asked that items get fixed, sometimes calling more than one time. In some cases such as potholes were addressed and fixed within a day or two. I thank the County for that.

    Guardrails, there are guardrails that have been damaged at least for two years. This is located along the bridge. Like I said, it's been this way for several years.

    So will repairs not be addressed when we have more traffic on there? As far as I'm concerned, this guardrail at the bridge is a big issue, especially with the dump truck traffic.

    In the summertime, the weeds along the road are not trimmed back far enough for safe vision. The County Highway Department mowing crew makes one pass, which is about four foot wide, and we still cannot see.

    I will state that just in a week ago, a mowing crew did come by and came along and mowed the dormant weeds on both sides of the roadway, making several passes on both sides, and cutting at least 16 feet, making Excelsior Road look very nice.

    So if you've been up there recently, the
road looked pretty nice, but those weeds are not always trimmed back like that.

Hopefully they will this summer and take the time to cut the grass that far back for making it safe for travel.

Prior to Excelsior Road going from a gravel road to a paved road, this is when the County first started paving roads and maintaining the eastern part of the county.

I made many trips to Franklin County Commission voicing my concerns of the poor conditions of the gravel road. It would washboard going uphill so bad that you would almost shake off the road. I will admit Commissioner Les Bolding (ph.) and I locked horns many a time.

It got to the point that he told me that if I would go around and talk to the property owners and get them to sign off, he would get the road on the paving list.

A traffic count was done at that time, and I was told that there were over 200 vehicles a day that traveled over that road. Note, the reason for all the traffic is because it's a shortcut from Stoney Hill area over to Highway Y to E into New Haven.

I did talk with County Highway Engineer
Ron Williams, and he was going to check on this to see if the traffic count was every done. He was to call me back if he found anything.

I did not receive a call, so I guess Ron wasn't able to find anything, but that's what I was told whenever they decided to do a traffic county before they paved the road. There had to be so many cars a day on it.

Okay. There are many deep ditches along Excelsior Road with no guardrails.

Culvert pipe that is right at the age of the pavement, the school bus would meet another large vehicle such as a dump truck at that point in the road could have caused an accident.

Hoeman Road off Excelsior Road is a gravel road. It requires a lot of maintenance, and this happens when there's heavy rain or through the freeze/thaw cycle, which we will see coming up soon.

So what happens if we have more heavy traffic on that road? Hoeman Road is in a floodplain area. Part of this quarry would probably be in a floodplain area also. So if there's going to be buildings constructed, are they allowed to construct that in a floodplain?

Detmold Road off of Highway Y is a gravel
road that has a concrete slab as they so stated.
Okay. They're talking like that would not be a way to
come into the quarry, but as we all know, if it's a
shortcut for a dump truck driver, I'm going to take
that route.
CHAIRMAN EVANS: I'D ask you to
finish up, please.
MR. BERGER: Okay.
The problem is on Detmold Slab Road to
get to Hoeman Road, it's a one lane, and it's got very
sharp curves that's mainly sand and gravel.
Thank you.
CHAIRMAN EVANS: Thank you.
Anyone else wishing to speak in
opposition?
Please state your name and address and
sign in, please.
(THEREUPON, THE WITNESS WAS
SWORN.)
MR. RANDY BIRKMAN: My name's
Randy Birkman. I live on Hoeman Road.
I went around with a petition of denial.
Most people worried about public safety just driving
on the roads that are families going back to work.
Hoeman Road is not wide enough to meet
two dump trucks on the 3/10 of a mile southwest of Detmold Road. You cannot even meet two passenger cars there. How you going to meet two dump trucks or a passenger car and dump truck, safely?

My dad and I years ago had a head-on within that 3/10 of a mile, and the guy had to be flown out by a helicopter because of the severe injuries that he had.

Most people that I went to, I have here a petition of denial. It has the addresses. Some of them say Gerald, Missouri, Stone Church Road, which is right over from Excelsior adjoining is Gerald address.

MS. EAGAN: I'll have to get it marked, so hold on a second.

(THEREUPON, EVIDENCE WAS MARKED FOR IDENTIFICATION AND SUBMITTED FOR THE RECORD AS OPPOSITION EXHIBIT 2.)

MR. BIRKMAN: There's probably 60 --

MS. EAGAN: Hold on one second.

MR. BIRKMAN: Okay.

There's probably at least 50 to 60 signatures on there against it, and most people are worried about the roads, their safety, their family's safety, and you guys say with tax revenue, that's
fine. But it's a gravel road, like the last person said. You're going to have to spend more money, more rock unless Barrett's going to provide it, and you know, I mean, unless the County is going to make it wider.

But my point is the taxpayers of Franklin County shouldn't have to pay to have the road made wider. I mean, yeah, I guess you could, but part of it should be their responsibility too if they come out with a plan on it. And the same thing that last person said, the County does not mow the weeds. It's like a tunnel going through on Hoeman Road in the summer. I've lived there since I was born, and I mean, it's like a jungle.

And they don't -- like today we had the snow. They didn't blade till this afternoon. So if you're going to run a business out of there, even though you're not going to haul rock when it snows, if you needed a load of rock today to set up for concrete or something, how you going to do that if it's not baled properly or safely?

So the biggest thing is public safety that most people are concerned about. And again, another thing is if they make this level with the road, I've seen five foot of water there along that
So if he puts his quarry in there, it's going to flood. I can promise you that. So that's all I have to say.

CHAIRMAN EVANS: Thank you.

Okay. Anyone else wishing to speak in opposition?

Please state your name and address and sign in.

(THEREUPON, THE WITNESS WAS SWORN.)

MR. JOHN NILGES: Good evening, Commission. My name is John Nilges. I'm a resident of 9476 Excelsior Road. I do have a Gerald address. I do live on the west side of Stone Church Road. I did put together a presentation, so hopefully we can get this working. I did not check with Scottie prior to the meeting, but let's see what we can do here.

Five minutes, correct?

CHAIRMAN EVANS: Right.

MR. NILGES: While we get this set up, I wasn't asked by a neighbor of mine by the name of Tom April. He also lives at 9420 Excelsior road. He was unable to make it to the meeting.
tonight, but he did provide some letters that I'd like to pass out basically on his behalf.

I've not, you know, really read the letter. I just -- he asked me to kind of give it to you. So I'm not even going to get up here and talking about that. He thought it was necessary to give it, and as a neighbor, I felt obliged to comply.

Again, apologize. So once again, lifelong resident of Excelsior Road. I moved out here when I was less than a year old, so I remember when the road was a rock road, the dust, and those type of things, unimproved road.

I think early 2000 it was paved. I did request -- I did do a Sunshine request with the County to figure out what the design standards of Excelsior Road were. We were unable to figure out what that was. So we really don't have a good feeling of if trucks can actually hold up to that road. There is no quantitative discussion that we can really have without that information.

So the first slide here, which unfortunately I don't have, basically I just identify the Unified Land Use Regulation specifically spell out that even the Planning and Zoning Commission finds the
1 application complies.

   This is underneath the Conditional Use Permit section. The Planning and Zoning Commission may still deny the permit if it concludes based on fair and convincing evidence submitted at the hearing for the following jurisdictional requirements.

   It's just in your conditional use permit.

8 The use will significantly be detrimental to public health, safety, morals -- or morals and general welfare; the use will be cause serious injury to neighboring properties or values.

   There's a third item that the use will not be compatible with the plan of the area in question.

14 I'm not here to dispute, discuss or debate the need for a quarry or the value that the quarry has. That's not what I'm here to do.

19 In nowhere in the Unified Land Use Regulations does a hearing allow for that type of debate. It's not about the value of a quarry. It's about the specific items that are listed in the conditional use permit.

23 This is not a discussion of economics.

25 This is not a debate of who is good, who is bad, who is right and who is wrong. I think I said before, I
know basically everyone out here. I've lived out here all my life.

This is a hearing to ensure the applicant's request can be accommodated to provide for the harmonious development -- harmonious development -- of the unincorporated area in the county in order to promote the health, safety, convenience, prospering, general welfare of the present and future inhabitants of the county.

That's right under line use. You can represent it if you need to.

The first slide, hopefully is getting passed around. I just did Google just traced the road. Excelsior is 2.3 miles. We've already hit on that, what you'll notice on that red line as I go around, there's a lot of curves, bends. Those are actually bends in the road.

There's a lot of topographic changes. Many times there's a bend in the road or turning movement of a truck. That does put stress on the pavement. I am a registered professional here in the state of Missouri. Again, I'm not a pavement designed, but you know, we do have background that shows that does put stress on those roads.

The next slide actually shows Hoeman
Road, and I did go measure these. Hoeman Road varies from 16 feet. I think the previous individual indicated they had a head-on collision.

Your current fire code, 2015 fire code, has a 20-foot fire access road. Twenty foot. So we're adding explosives to a situation to where technically you don't even the fire code under the width the entire length of Hoeman Road.

We also have a resident there that has been involved in a collision where two ambulances can't pass. So just that's the facts.

The next slide I had, and I pulled this. The Minnesota Department of Transportation did a real quick study on the effects of rural roads and hauling on them. Again, it's a 2014 study. Quite honestly I Googled it to try to come up with something that we could easily discuss rather than giving the meat and potatoes of engineering.

But roadway design is based on equivalent single-axle loads. That is a design standard that basically specifies the amount of damage done to a pavement based on different loads, tandem axles, single passenger vehicles, you know, you name it. There's different ESALs, equivalent single-axle loads.

The number of passenger cars equivalent
to a tandem axle dump truck is 1,279 -- 1,279. That's one truck.

So real quick little traffic study.

Again, the County can do this. Anyone can do it.

It's just me plugging away to throw some things together.

But assume there's 50 properties, 4 trips a day. That's 200 vehicles a day. Okay. At point 0008, ESALs per passenger vehicle, that's around point 16. Easy math, multiplication.

Ten trips on a tandem axle dump truck is actually 10.23 ESALs. That is a damage quantification number, which means that those -- in one day, those trucks will provide 64 times the pavement damage as the normal traffic of the day.

Now I'm not saying that the damage -- that the road will fall apart on the first day. I'm just saying those things have to be discussed at this meeting in order to promote that general welfare of the inhabitants, the present inhabitants of the county.

The next slide as we're going around, it does show December 11th I took some photos of Enochs Knob Road. There was a discussion. It's only a quarter mile long. It clearly shows damage to the
pavement. I mean, that's out there today if anyone had an opportunity to go out and look at it, there's damage to Enochs Knob Road on 185.

Google Earth Street View, which is a beautiful thing, it was also made 2018 in the little Google tree car, drove by 185. It also showed that same damage. So that damage has been there for, you know, an extended period of time.

CHAIRMAN EVANS: I have to ask you to finish up.

MR. NILGES: And as you go through there, you will also see additional damage that's located on Enochs Knob that's existed since 2012.

So again, I think my point here is there's various questions on here. Can the current pavement handle the additional truck traffic?

Will Hoeman Road be allowed to have two vehicles pass?

And will there be haul time restrictions in the school zone that's located at R2 School?

So thank you for the additional time. I sincerely apologize for the technical difficulties, and thank you.

CHAIRMAN EVANS: Thank you.
Anyone else present wishing to speak in opposition?

If you'd please state your name and address and sign in.

MS. JULIE CONNER: My name is Julie Conner. I live on 5512 Hoeman Road in New Haven.

(THEREUPON, THE WITNESS WAS SWORN.)

I am -- usually before I talk before people, I don't read from something, but I'm pretty nervous tonight. This is a little different from what I'm used to, so I am going to refer to what I wrote here.

I just basically am hoping that you guys will at the very least spend some time considering whether or not this is the best thing to happen out where I live.

I understand all the pros for it. This is so much harder than I thought when I walk in and I see people that I've known for so many years sitting on opposite sides of this room, and it's very troubling. At the same time, as I listened, I was only more determined that I needed to come up and talk.
You know, I've lived where I live for 26 years now. My husband and I have raised two children there. It is such a beautiful place to live. And I know I've been told don't get into the emotional part. So I'm going to try not to.

But I drive Haven Road every single day. I am employed by the New Haven School District. I go to and from work. I am telling you there are times that Hoeman Road is almost impassable as it is.

When we have weather like this, it's very hard. Like Randy had mentioned, you know, we're one of the last roads to get bladed. We understand that. There's only a few of us out there. But when it starts freezing and thawing and freezing and thawing, I mean, I honestly use my four-wheel drive more in those conditions and in mud than I actually do in the snow.

It is a very, very tough road to drive on. We live there in spite of the roads, do be honest with you. It is true, I drive a Jeep Liberty. I have to stop and I have to pull over a little bit off the road in order to pass another vehicle.

We are very kind. We are patient. We wait for each other, but that is the reality. There are some very sharp curves.
The road that I am most -- the area I'm most concerned about is that you would be going up Hoeman Road towards Excelsior. It sounds like everybody agrees that is the part that would be used. It's a very steep hill. I was trying to take some pictures the other day of it myself. I mean, it's just ditch. You're going to -- if you try to pull over on the side, the ground, much of the time, is very soft.

When I go down that road when the weather is kind of iffy, I just cringe because as you're coming down, there's a sharp curve, and you just hope there's not somebody coming too fast that direction. So that is what I am really, really worried about. I know the slabs. We have to cross one of the slabs to get to our house everyday, and I know that it was mentioned that, you know, if they're not traffic worthy, which is very, very true, there's rebar right now sticking up through ours.

But I don't -- and I understand that Barrett's trucks may not travel that. They know that they're -- you know, that's not a good way to go, but I do think that other people coming to the quarry are going to travel those slabs.

And just a little bit of increased
traffic, I mean, there's just -- they will not hold
up.

You know, a few other things I just
wanted to mention was -- and you know, you're going to
hear two different sides, but I did some research too,
and my research doesn't match up to what some other
people have mentioned.

You know, my research showed that if you
lived within a mile of a quarry, your property values
can increase (sic) by quite a bit, as much as 25
percent was the highest number I saw, but around 7
percent was the very lowest end.

So that's a concern. You know, I'm
concerned about the environmental impact. We have, my
husband and I, have contacted the Department of
Natural Resources. You know, they're waiting to see
what -- what will happen next and what kind of
application will come through. We're very concerned
about the dust.

Hoeman Road is gravel. It's already
dusty, but the dust that would be generated by a
quarry, and I don't have a lot of knowledge about
this, but I am concerned. Very concerned about runoff
into Boeuf Creek. You know, that creek when you talk
about quality of life, way of life, people that I know
from school, families who can't afford to take their whole family to the pool in the summer, they come out there and they bring their kids to swim in that creek.

People come out fishing, people come out to bring their dogs, and I just -- I just can't hardly stand the idea of this runoff going into the creek.

And again, I'm not the most knowledgeable person about this. But that is in a flood plain, and I can't imagine how things wouldn't end up running into the creek.

I mean, basically, you know, just wanted to talk at the very end of about quality of life. You know, when Mr. Otten was up here, he said something about people worry about things ruining their neighborhood, and that's exactly the truth.

Our neighborhood is small. There's not a lot of people. I believe there are 62 signatures on that petition. That is a very high percentage of the people who live on Hoeman Road, Excelsior Road, and Stone Church Road, a very high percentage. And there were even others who felt they were concerned, but because they're such good friends with people, they felt they couldn't sign, which we totally understand.

But a lot of people are very concerned about what's going to happen, and it's not that we --
we all understand that we need business and we need
taxes. We all understand that, but I -- I mean, I feel --
CHAIRMAN EVANS: I have to ask you to finish up, please.
MS. CONNER: Okay. I really am very concerned that there will be accidents and that they will be very serious accidents out there along with just some of the other things that I mentioned. Again, I thank you very much for your time, and just thank you for your consideration.
CHAIRMAN EVANS: Thank you.
Anyone else wishing to speak in opposition?
Will you please state your name and address and sign in.
MR. JAMES CONNER: I am James Conner. I'm at 5512 Hoeman Road as my wife just spoke.
(THEREUPON, THE WITNESS WAS SWORN.)
Yeah, I have several concerns like everybody else here. The roads the biggest concern. Safety, and these roads are narrow. Like my wife was just saying, there are ditches. There's nowhere to
pull over when you meet, especially something like a
dump truck. There's nowhere to pull over. You know,
unless there's going to spend a ton of money to fix
the road, I don't see how you can do this and justify
the little bit of taxes that you're going to get back
out of these 15 loads a day or whatever he's saying.
I don't see where it could generate
enough taxes to justify to fixing the roads, or even
maintaining the roads. If you left the roads the way
they were, to maintain the roads, it's not going to
generate enough taxes there.
I mean, he wants -- you know, it's not
like New Haven is going to go without rock. I mean,
there are -- there's still a quarry in New Haven. So
it's not like they're going to have to haul it 40
miles from Belle or wherever.
So there is somewhere else they can get
rock if they need rock. You know, like I said, I have
issues with the roads. I live at that slab. My wife
just, you know, brought this up that I live at that
slab, and that slab is collapsing the way it is now.
If you go under the under side of the
slab, you look up underneath there, it's hollow.
Underneath there, it's washed out underneath the slab,
you know.
Barrett's trucks may not cross that slab, but if somebody comes from Gerald up there hauling rock, he's going to take the fastest way out of there. He don't care. Once he's across that slab, he's gone, you know.

I mean, it just -- I just don't see how they can justify letting them do that, putting that in there with the way the roads are. I just -- in a floodplain issue, you know, there's -- my wife brung out the environmental issues. I mean, what about the runoff? This is a flash flood prone area when it's -- you got two hours, and it's in there. I mean, when it starts raining, you don't have no time to get your equipment out of there.

If you got diesel fuel stored down there, it's all going to go back into the creek. There's going to be a runoff from the slurry from the lime stuff running into the creek. You know, they said after the -- at the end of this, they said they were going to store equipment and stuff there.

You can't store equipment where this quarry is, you know, at the end of this, when they're done with the quarry. You can't store nothing there because it all floods.

And it's just going to be a big hole in
the ground, you know. You might be able to feed
cattle there, but that's about all you could do.

He said that he was going to stay -- keep
with the level of the road, which is understandable
because it floods. You can't go lower than the road
because it would be a big lake.

You know, I was involved with the
petition, going around and getting people's
signatures. Every one has the same concerns about
meeting these big trucks on Excelsior, on Storm
Church. For the most part, these people don't travel
Hoeman Road. There's only four or five of us, you
know, six area houses on Hoeman Road, whatever it is.

But everybody is concerned about meeting
these trucks on Excelsior or Hoeman Road.

Somebody brung up, well, we're farming,
you know, we run big trucks. Yeah, they run maybe
three or four big trucks a year on Hoeman Road. We're
not talking about 15 trucks a day -- or on Excelsior
Road, excuse me. We're not talking about 15 trucks a
day that's going to basically destroy the road.

You know, the quality of life. It's'
going to change everybody's life in the immediate
area. The noise, you know, several people have cattle
around there. There is documents about the noise on
cattle, livestock. You know, I don't know. Like I said, I just don't see how you can justify 15 loads of road paying for the additional maintenance that it's going to take to keep the roads up to standards.

You know, that's just my opinion. I don't know. I -- you guys need to take a ride out there and look at those slabs. Like my wife said, a rebar is sticking out a slab at my house now. The surface is all popped off of it. It's just -- it's not going to -- you know, it's not going to hold up.

Like Barrett said, his trucks won't cross it, but other local people's trucks will cross, and I guarantee local people who cross that slab when they go there to get rock, he says 15 loads a day. I don't know if that means his trucks or just 15 loads in general. I don't know what he -- I never did quite understand what he meant by that, but anyway. Man, that's what I had to say about it.

I appreciate your time. I hope you take this into consideration. I wish you guys would just drive out there and take a look at these roads before you make a decision, and you would see where we're coming from.

Thank you.
CHAIRMAN EVANS: Thank you.

Anyone else wishing to speak in opposition?

(NONE)

No one else. All right. Joe, Mr. Barrett, did you have any rebuttal?

MR. BARRETT: Yes, I'll talk a little bit.

The with the Enochs Knob Road and 185, I have called the State many times, I have worked with the County many times. There is a cable buried under that road. I have donated rock to the County over that.

There's a cable under there, and nobody wants to fool with that cable. I understand why they don't want to fool with it. You know, they don't want to dig it up and break it or whatever.

And nobody has ever had any problem with it. We've always made it up and down there, and Enochs Knob Road gets the State -- or the County takes care of that now, but we used to clean that road off every year or every time it snowed all the way down Boeuf Creek bridge. And we probably would have went on through if we could have got across that bridge.

And these cattle, a fellow brought up
cattle up at our other quarry at Belle. We got a
hundred head, not ours, got a hundred head of cattle
there, and they don't even move when we blast.

They just -- just generally just walk
away, you know, just -- and up at our Enochs Knob
quarry, there's cattle there. Piontek's got cattle
right across the fence from there. It doesn't bother
those cattle.

So I think there's a lot of stretched
stuff that was spoken a while ago. That's about all I
can say.

CHAIRMAN EVANS: The issue did
come up on runoff into the creek.

MR. BARRETT: DNR checks us
twice a year, and we always pass every time.

CHAIRMAN EVANS: All right.

Any questions for Mr. Barrett?

Bill?

COMMISSIONER McLaren: I used
to have an uncle that was in a Bureau of Mines
inspector, and he told me that there is a difference
of -- and I don't mean to insult anyone when I say
this -- a difference between a really commercial
quarry and a mom-and-pop quarry of the way they
inspect stuff and they way they enforce stuff.
And I know that you're even supposed to keep track of how much you put on to hold dust down.

MR. BARRETT: On the roads, yeah.

COMMISSIONER McLAREN: Is there a difference between a larger quarry and a smaller quarry of the way it's supposed to be monitored?

MR. BARRETT: Not in the rules that I know of.

COMMISSIONER McLAREN: Okay.

MR. BARRETT: Yeah.

COMMISSIONER McLAREN: I was just being nosy.

MR. BARRETT: Yeah.

CHAIRMAN EVANS: Any other questions at this time?

(NONE)

All right. Thank you.

MR. BARRETT: I got one other -- one other thing to say.

I don't want this to sound rude, but if this is a quarry that's not going to make it, you need to take quarries completely off the list to be in Franklin County because this is -- you're not going to get a more remote than what this one is and more
further apart. You know, if -- this is the third time
I've tried for one, and I understand some was closer.
But if this one is denied, you just as well take them
completely out of the -- out of the county because
there's nobody is going to be able to meet those kind
of specs to make them pass.

CHAIRMAN EVANS: All right.

Thank you.

MR. BARRETT: Thank you.

CHAIRMAN EVANS: Discussion by
the Commission?

AUDIENCE MEMBER: Mr. Chairman?

CHAIRMAN EVANS: No, we're
done.

AUDIENCE MEMBER: Okay.

CHAIRMAN EVANS: And, Ron,
correct me if I'm wrong.

And you had mentioned this before is that
as we address roads, that it is not within our purview
as far as they are public roads. If you've got a
licensed vehicle, you can use them and we cannot
restrict or address who uses the public road?

COMMISSIONER WILLIAMS: I'm not
going to say it's not in your purview, but what I am
going to say is we have no restrictions on the type of
traffic that can use our road, unless there is
structural restriction like a load limit on a bridge.

CHAIRMAN EVANS: And I just
wanted to bring that up because know a lot of people
had that concern, but unless there is some
restriction, we can't say who can and can't use that
road whether it tears it up or not.

And we've come across this before where
anyone can use the road, and even if -- and there are
cases we know that it would be detrimental, we still
can't do anything.

COMMISSIONER WILLIAMS: You
want a ready example, go down Riverbend off 47 and 30
down there that runs down to where they're doing the
river dredging and take a ride down that road.

We can't stop them from using that road.

It's down and goes to a private, you know, drive at
the end. But you just take a drive down there
sometime and look at that road, and you'll see what
we're up against when we say they will continue to use
the road. But we're always down there repairing.

You know, that's our duty, is to keep it
repaired.

COMMISSIONER KLENKE: Multiple
times people have brought up this low-water crossing,
and they refer to it as a bridge. Is that accurate?

    COMMISSIONER WILLIAMS: No, it's not accurate. It is not a -- if it were a bridge, termed a bridge, it would be inspected every two years by MoDOT, like the couple of bridges that are out there on Excelsior and in that area.

    COMMISSIONER HAIRE: Well, I went down and went up Hoeman Road today. And going up that hill and up there in my four-wheel drive vehicle, it was a little sketchy at times, I thought.

        And this is not unusual weather maybe, but it does an example where the weather may have an impact, and I was not comfortable going up at the point because I had my wife with me, and she was getting really nervous.

        But that road was, you know, not the greatest road going up.

    COMMISSIONER McLaren: Probably needs to be somebody to answer this question that's been on the Commission longer than I have, which would be you, Chairman, probably.

        Because I believe it was before Ron that the County engineer was a lady at that time, I believe, and as I read -- or maybe Dan -- as I read minutes on one of the meetings to kind of better
understand what my position here would entail, it
seems to me like Haven was looking at doing a gravel
plant down on Mill Hill or something, and there was
requirement to do road improvements in order to get
that.

I may be incorrect because that was a
long time ago I read this, but seems to me like
there's a potential for road improvements in that.

Is that a possibility?

CHAIRMAN EVANS: I believe that
they offered to do some road improvements, but I don't
think that we required it. And it had ended up I
think that they didn't even do that project, did they?

COMMISSIONER WILLIAMS: Not
yet.

CHAIRMAN EVANS: Not yet. So
-- and that's my memory is not that good on that one,
but I think that they had offered to do something
because of a hill or line of sight or something like
that.

MS. EAGAN: Bill, what happened
is they testified that the road was too narrow and it
was dangerous. And because of their testimony, then
the Highway Administrator had the ability to enforce
those kinds of conditions because there was testimony
to the dangers to the public from the applicant.

CHAIRMAN EVANS: That's correct. It was the applicant's testimony that she did give which was the grounds. So that was evidence.

Any other discussion?

COMMISSIONER McLaren: I feel really wordy this evening.

So you know, I think that there's been testimony of how good a guy Mr. Barrett is and how good of a job he does, and I think his neighbors respect him, and I think all that's a great thing.

You know, my only comment is I did a little bit of math again, and this turns out to be at 45 acres, if there was an average of 25 foot of rock on it, a 97-year process to do this quarry.

So is there potential for the applicant to think of less than 45 acres?

CHAIRMAN EVANS: Yeah, and one thing I think we have to remember is that a lot of people gave Mr. Barrett a glowing review and what a great reputation he has.

On the other side, there was 60 people or so who signed the petition. But none of that is evidence at all.

And the Commission has to make a decision
on evidence that's presented in the hearing. So whether we like somebody or don't like him or a hundred people likes something or doesn't like it, we have to have clear and convincing evidence that was presented rather than opinion to make a decision.

COMMISSIONER McLaren: My point was that there could very well be another operator in this quarry 65 years from now.

CHAIRMAN Evans: Right. Since the -- and again something else the Commission has to remember is that a conditional use permit is a permitted use with conditions.

And so we have to look at that and see if there are conditions that can -- that we require conditions and they -- what they would be. And then based on that, you know, can determine whether there are two owners or whether he can meet them, but it is a permitted use with conditions.

So we have to approach it...

Again, any further discussion?

(NONE)

Again, any other questions or discussion?

(NONE)

I know, Dan, I was going to go out and see it this weekend, and I did not have the
opportunity to personally go out and look at it. Which I wish I had had the chance. Again, any discussion? (NONE)

Well, we had -- we know what the operating hours would be, five and a half days a week and till 5:00. Were there any other conditions? MS. EAGAN: I mean, there was testimony to how many trips per day, how many employees, how often they blast, things of that nature. And when we say five and a half days, what do we mean? CHAIRMAN EVANS: I guess Monday through Friday and Saturday morning, but we would -- can clarify that. Scottie just read off some of the things that were included in the testimony. Again, any further discussion? COMMISSIONER McLAREN: Mr. Chairman, I would think as just for discussion there should be some kind of fencing that there's a 50-foot face that there should be some kind of fencing required at that face.
CHAIRMAN EVANS: On the road side?

COMMISSIONER McLAREN: No, wherever there is a 50-foot drop, --

CHAIRMAN EVANS: Drop.

COMMISSIONER McLAREN: -- there should be some kind of fencing required at that quarry face where it would be kind of basically a sheer cliff.

CHAIRMAN EVANS: Again, I don't know, Scottie or Mark, can you address that. Since they're using that 45 acres and have that lease, can we require a fence? Basically it's going to be on the Brandt property, but I know they have a lease. Can we require them to put up a fence on their own property to protect themselves against themselves?

MS. EAGAN: I'm still not even understanding that this has a fence. It sounds like you're wanting it on the cliff?

COMMISSIONER McLAREN: Yes. I mean, it --

MS. EAGAN: Like just to prevent from them just randomly falling out, or it especially on the side the --

COMMISSIONER McLAREN: No, it's
to keep somebody from falling -- an uninvited
trespasser from walking over and falling off.

If you get --

   MS. EAGAN: Oh, on the top.
   COMMISSIONER McLAREN: Yes. If
you get a building permit and you build a house, you
can't even have a four-foot high bank at your house
and pass the building code in Franklin County without
having something above it.

If there's a 50-foot face there, I don't
know if it's appropriate or not, but for discussing,
you know, stuff that would go on a CUP, I think it's
worth discussing.

   CHAIRMAN EVANS: Well, yeah,
and that's why -- and, Mark, I don't know if you can
address that or if it is Scottie, whether you can
require someone to put a fence in the middle of their
own property.

   COUNTY ATTORNEY PIONTEK: It's
essentially not in the middle of their own property
It's separating the property that's leased from the
property that is not leased. And so the only part
that they're going to working on is the part that's
leased, and I understand Bill's point.

If you've got a drop, I think you can
require them as a condition of approval that they
erect some sort of a fence along the top of that
cliff, I guess, if you will.

CHAIRMAN EVANS: Okay.
And I agree. I just had to question
since it's all still one parcel.

COUNTY ATTORNEY PIONTEK: Yes.

It's one parcel, but you essentially have two
different users because part of it's leased to Mr.
Barrett for his use.

CHAIRMAN EVANS: All right.

Thank you.

All right, again, any further discussion?

Need to move on.

COMMISSIONER REINHOLD: I'm not
sure, but I think the fence and stuff like that would
be done by M-SHA that who inspects is --

MR. BARRETT: No, it's the DNR.

COMMISSIONER REINHOLD: Yeah,
but I think that they would be the one that would --

MR. BARRETT: DNR makes you put
-- first you got to put a 3:1 slope, then the fence
goes on that.

CHAIRMAN EVANS: Mr. Barrett,
would you step back up here, please.
MR. BARRETT: Yes, sri.

CHAIRMAN EVANS: Now, DNR requires a fence?

MR. BARRETT: When you finish up the property, you got to have a -- it's got to be -- you don't have to have fence, but it's got to have a 3:1 slope down to the cliff. And then it's got to be signed, have signage all along there that it's a cliff.

CHAIRMAN EVANS: And you're talking about when you're done with the quarry?

MR. BARRETT: When you're done, and then the fence -- if I understand you right, I'd have to be moving that fence every couple of years as you move back and forth. You couldn't do that.

CHAIRMAN EVANS: Okay. And that's what you're talking about, Bill, right, if they have that 50-foot dropoff?

COMMISSIONER McLaren: Wherever the sheer bank would be is what my question is.

MR. BARRETT: Yeah, that would be at the end of the -- when the quarry is done. That would be your sheer bank. And then you got to have a 3:1 slope out to that, then you got to have signage all around it.
COMMISSIONER McLAREN: You know, like I said, it's more about somebody trespassing not knowing it's there, somebody out imaging they're coon hunting in the dark and they're off a cliff and it's 97 years, according to what I figured out before you're done.

MR. BARRETT: Right.

COMMISSIONER McLAREN: So I don't know that I want to go with that argument. I respect what you're saying, but --

MR. BARRETT: We could put up a barbed wire fence or -- back up there somewhere that's -- you know, the -- but to put a chain link fence or something like that --

COMMISSIONER McLAREN: I'm not even suggesting a chain link fence.

MR. BARRETT: Okay.

COMMISSIONER McLAREN: I'm just suggesting something to keep somebody that recognize there's a hazard coming up.

MR. BARRETT: Right.

CHAIRMAN EVANS: Do you have a fence surrounding your current quarry?

MR. BARRETT: Parts of it we do, parts of it we don't.
CHAIRMAN EVANS: Okay.

MR. BARRETT: So...

CHAIRMAN EVANS: And why do you have it around parts of it?

MR. BARRETT: I'm sorry.

CHAIRMAN EVANS: Why do you have it around certain parts of it?

MR. BARRETT: Well, because there's pasture around there.

CHAIRMAN EVANS: Okay.

MR. BARRETT: Yeah.

CHAIRMAN EVANS: So it's because of pasture?

MR. BARRETT: Yeah.

CHAIRMAN EVANS: All right. Any other questions for Mr. Barrett?

(NONE)

All right. Thank you.

Again, any discussion from the Commission?

COMMISSIONER HAIRE: No to your question, Nichole here helped me point it out to me that we can make the conditional use permit nontransferable in our regulations.

COMMISSIONER McLAREN: I think
that needs to be considered. I mean, we've done that with other things. I think it needs to be considered.

CHAIRMAN EVANS: Okay. With the conditional use permit, we can make it nontransferable. There's a lot of latitude that we could put, I don't know if we want to in this case. We could put a time limit on the CUP as well as other -- any other conditions that we think are relevant.

But again, we have to come up with some conditions because it is a permitted use, and unless we come up with a list of conditions, I mean, that...

Anybody have a condition?

I think it was stated 15 trucks a day as an average.

MS. EAGAN: Now, Bill, I wrote down 15 trips per day 2 trucks. So I don't know if that means 15 total for the 2, or 2 trucks doing 15 each.

CHAIRMAN EVANS: What have you got for clarification, Mr. Barrett?

MR. BARRETT: We own two dump trucks, and probably -- well, I'm not going to tell you or pull your leg or anything. It may be 15 for the 2. You'll be 30 trips, but the other one's
usually hauling dirt somewhere off of some job or
hauling sand back from Hermann, or something like
that, you know, to customers.

So but there'll be for sure one on there
most all day.

CHAIRMAN EVANS: So when we're
saying an average of 15 trips, we're talking 15 round
trips no matter where they're going?

COMMISSIONER KLENKE: On
average.

CHAIRMAN EVANS: On average?

MR. BARRETT: I don't quite
understand your question.

CHAIRMAN EVANS: I guess we're
looking at the number of trips and you've got two
trucks. Now how many times are they going to leave
the quarry and come back?

MR. BARRETT: Well, one of them
will probably leave -- one of them every day will
probably come back. He'll be hauling out of there
every day, and sometimes maybe two of them. But we
got another quarry, and that other truck may be over
at the other quarry. You know, he won't be working
down here.

CHAIRMAN EVANS: Okay.
MR. BARRETT: If it's a busy
day, I'll have two down here. Otherwise, there's one
down here.

CHAIRMAN EVANS: Okay. And I
guess that average of 15 trucks a day, is that if both
of them are working there, or just one of them, or...

MR. BARRETT: Well, probably --
well, yeah, because I don't think they'd get more than
about eight -- eight loads a day out of there, seven
or eight loads a day. That's about the most they'd
get.

CHAIRMAN EVANS: Per truck?

MR. BARRETT: Yeah, per truck.

CHAIRMAN EVANS: Okay.

COMMISSIONER McLAREN: Mr.

Chairman, I'm going to argue the other side of the
fence this time.

So there's a slide on Highway 100 out
there, and the State needs to haul a massive amount of
rock, and we put a -- something on this quarry now
that they can't do it. Or Franklin County needs to go
out there, and there's a reason that, you know, we
haul rock to the levee down when it was flooding in
Chesterfield, which is a stretch.

But there's still emergencies that you
got to haul a lot of rock out of there, and I don't feel that we're going to tie him to 15 trips a day is the right thing to do.

COMMISSIONER WILLIAMS: Yeah, to add to that, if you put that restriction on there, you're going to have to attempt to enforce it. How you going to enforce it?

Send somebody out there and count trucks? I don't think that'll happen with the one person in the Planning and Zoning Department that's available.

But I think if you're looking at restrict- -- conditions, not restrictions but conditions, then you need to look at what's -- what can reasonably be enforced. I mean, things like a fence or if the CUP, you know, if the ownership changes, stuff like that. I mean, I'm sure you can count the number of employees because that counts truck drivers that are going in and out.

CHAIRMAN EVANS: Okay. Now we have an active discussion on conditions. So we can then we can strike the number of trips per day?

Right now all we really have is business hours.

COMMISSIONER KLENKE: Well, I don't -- I'm okay for non-transferring. I mean, I
didn't hear anybody say that that wasn't something we should consider.

You're saying we can't consider that?

CHAIRMAN EVANS: Oh, we can consider it.

COMMISSIONER KLENKE: Okay. I think that's a reasonable thing is if we wanted to have some control, then we could say that the CUP is not transferable to a different ownership without coming back to us.

CHAIRMAN EVANS: When I look at that and is that done with an LLC or what's the --

COMMISSIONER McLAREN: Incorporation.

CHAIRMAN EVANS: -- the corporation.

COMMISSIONER McLAREN: So that would be what I was going to say. They have answer counselor. If I go and buy Barrett Quarries, Incorporated, do I get to keep the CUP?

COUNTY ATTORNEY PIONTEK: Yes.

COMMISSIONER McLAREN: Okay.

COUNTY ATTORNEY PIONTEK: If it's a corporation and you sell all the stock to another stockholder, the corporation still exists.
The corporation still owns the CUP, even though the
stockholders have changed.

COMMISSIONER HAIRE: Mark, but
if it's an asset purchase, it doesn't apply; is that
correct?

COUNTY ATTORNEY PIONTEK: Yeah, if you're just purchasing the assets of the company
and you're not purchasing the stock, then the CUP
would not -- you would have a new buyer, a new owner.

COMMISSIONER HAIRE: Yep.
COUNTY ATTORNEY PIONTEK: Then
that new owner wouldn't have the CUP.

CHAIRMAN EVANS: But basically
since it's done as a corporation, you said when one or
two buyers come in and buy the whole thing, then we
couldn't -- we couldn't restrict it because, as Mark
said, then the corporation would still be the owner.

COMMISSIONER McLAREN: Can you
do it by management?

CHAIRMAN EVANS: No, since it's
-- the corporation is a legal entity and the
corporation owns, it doesn't make any difference in
the managers. I don't think we can put that in there.

COMMISSIONER McLAREN: You
know, I've seen John Meres (ph.) say if you weren't
actively running this store, you couldn't keep the store any longer. So that...

CHAIRMAN EVANS: Yeah, and that's more, I guess, corporation and business practice for a corporation rather than legality as far as LLCs, S Corps and whatever.

All right. So we have business hours.

COMMISSIONER McLAREN: I'm going to try again, Mr. Chairman.

Is it possible to do a renewing sunset then if, instead since we've determined we keep -- we can't limit it by -- because of it being corporately owned, is it possible to do X amount of years and do a regular renewal?

CHAIRMAN EVANS: I don't --

Mark?

COUNTY ATTORNEY PIONTEK: Your code does allow that, that you can limit the duration of the CUP. I'm sorry. Your code allows you to limit the duration of the CUPs. So you could put a ten-year timeframe on it, at which time towards the end of that ten-year period, if they wanted to renew it, they'd have to come back and reapply. You can do that.

I think Nichole mentioned that earlier.

CHAIRMAN EVANS: Yeah, I think
we have done that in one or two instances, like a
while back. The details of which I cannot remember.

COMMISSIONER VOSS: I don't
think you can ask a man to put this kind of money into
this and let him get going, and then come back to say
can I get renewed? I think that would just be too
hard to justify keeping going.

Okay. I'm against that.

CHAIRMAN EVANS: I would kind
of have to agree because there's significant capital
investment in the structures and everything else
too --

COMMISSIONER VOSS: Yes.

CHAIRMAN EVANS: -- to say come
back in five years or in ten years. It just would
seem to me pretty difficult to do.

Bill?

COMMISSIONER McLAREN: Mr.
Chairman, can I ask Mr. Barrett another question?

MR. BARRETT: Yes.

CHAIRMAN EVANS: Yes.

COMMISSIONER McLAREN: How did
you choose to do 45 acres, if it's honestly past your
lifetime when you -- and I don't want to guess how old
you are. I'm not trying to do that. My hair's gray
But why did you choose 45 acres if 15 acres lasted your family a hundred years?

MR. BARRETT: I have two sons that are in the corporation.

COMMISSIONER McLaren: Okay.

MR. BARRETT: And they're young yet.

CHAIRMAN EVANS: All right.

So we have business hours. We have no other conditions? No discussion on -- Ron?

COMMISSIONER WILLIAMS: Well, I think you've already got the start of conditions. We got to take everything that was in the staff comments ought to be in the conditions, period, if you're going to put conditions on it.

And then I hear the evidence two possibilities as you got the selling of the quarry, the CUP expires. And we're still up in the air on fencing.

The hours of operation are listed in there under three. You can make it Monday through Friday 8:00 to 5:00, Saturdays closed -- or 8:00 to 12:00. That takes care of the hours.

And you got, like I said, you can add
then if the quarry sells, the CUP expires, and you got
to deal with whether you want fencing or not.

CHAIRMAN EVANS: Again, under
staff comments, three would have the hours, but really
like one and two, yes, do anyway? I mean, it's -- we
can put them as conditions. But any building they
have they'd have to have approved anyway, right,
whether it was a CUP or --

COMMISSIONER WILLIAMS: I'm
just going on CUPs that have been issued in the past.
We just went ahead and put those in as conditions so
that they knew that that was a condition of the
approval.

CHAIRMAN EVANS: All right. So
we have just staff comments one, two and under three,
hours of operation would be 8:00 to 5:00 Monday
through Friday, 8:00 to 12:00 on Saturday.

I'm sorry, what other thing did you add
in, Ron?

COMMISSIONER WILLIAMS: I think
you need to add seven, which is somehow where it's if
the quarry sells, the CUP expires or lapses, however
you want to put that.

The only other one that's been discussed
is the fencing, what we want to do about fencing.
COMMISSIONER REINHOLD: I think you need to word it as a safety barrier instead of fencing, because it could be a number of things. It could be a guardrail. It could be a lot of different things.

CHAIRMAN EVANS: Of course, on this I can agree with Mr. Barrett on that, as they get into the quarry, they would have to move this fence every year or two years.

COMMISSIONER REINHOLD: That's why they call it a safety barrier.

CHAIRMAN EVANS: Yeah, because -- especially on this property where it's unique in that their lease and part of a whole parcel that -- and I understand what Bill's saying. You could have somebody out there trespassing or whatever. Doesn't sound like it's a public land, and it's still one parcel.

So I think to require fencing would be, you know, a little bit difficult to do in my opinion.

COMMISSIONER VOSS: Could he put a fence around the parcel, the who 45, let's just say three sides I'm looking at this?

CHAIRMAN EVANS: Yes, he can.

That's the --
COMMISSIONER VOSS: I mean, as 45 acres and a barbed wire fence, like I said, a barbed wire fence. Would that just fix it? He's not moving anything.

COMMISSIONER McLAREN: That's less than 3/4 of a mile of fence if it was a 40 acres and was square.

COMMISSIONER VOSS: Yeah, I'm just trying to think how -- I mean, I listened to he man. He talked about he put a fence up for his neighbors. I'm just wondering how he's going to put - move this fence as he goes kind of like he was saying.

CHAIRMAN EVANS: Right. So --

COMMISSIONER VOSS: I can drive out there and check it out every so often, and he --

CHAIRMAN EVANS: Yeah. So really requiring the fence would --

COMMISSIONER REINHOLD: I would just he needs to provide a safety barrier. It can be a cable with a lot of names -- with signs on it. It could be a lot of different things. It wouldn't have to be a fence, just safety barrier.

COMMISSIONER McLAREN: I agree with Tim.

CHAIRMAN EVANS: Yeah, we can
work to say safety barrier. And again we could add
that as number eight with number seven being CUP would
cease to exist with the sale of the operation. I get
that that's -- I'm not sure how we do that with a
corporation.

Ron, I remember how you worded it sounded
better than that.

MS. EAGAN: I currently have it
worded, "The CUP shall be nontransferable and is
issued to Barrett Materials, Inc. only."

CHAIRMAN EVANS: Okay.

COMMISSIONER HAIRE: You need
to word that a little different because if it's a
stock sale, it still stays current technically. So it
has to say the sell of Barrett Corporation to any
party. If we can do it that way.

CHAIRMAN EVANS: But see, we
can't do that because the corporation is a legal
entity. Just like you or I are. So you can sell the
corp -- you can sell it. So that's the problem.

COMMISSIONER HAIRE: So you got
a problem when the business stock sells, then the CUP
is still in existence.

COMMISSIONER McLaren: Okay.

So what we -- I hope -- Mr. Barrett, do you understand
what we're trying to say here?

MR. BARRETT: Well, I think,

but I think that if a person wants to sell something,
he ought to be able to sell it. I mean, I don't plan
on selling, but somebody down the road might, and you
know, and then it might be another quarry. But I
think it's -- and like I was saying a while ago, I
mean, this might be irrelevant to you all, but I think
this is the last quarry that's going to be in Franklin
County if I'm issued a permit because it's growing up
around out quarry down there in the 30 years there,
there's been 36 within a mile and a half -- I mean a
half mile around there, there's been 36 brand new
houses around there and all kinds of blasting going
on. And that's all going to move -- it's all got to
move somewhere, either -- in Franklin County, the only
way you got to go is west or south. East is all used
up.

So I think we -- I think we ought to be
able to sell. Or I actually think that place will be
there for a long, long, long time.

COMMISSIONER McLAREN: My
personal concern -- and I'm not going to say we. I'm
going to say my personal concern is I -- everything
I've heard you're going to be a great operator. But
if you sell it to a corp -- a corporation that owns 20 quarries, they may not be that same quality operator. That's why I'm concerned.

MR. BARRETT: I understand that. I understand that, and I agree with you on that because -- well, that should be the person you need make walk the line.

COMMISSIONER McLAREN: But we don't have a choice of doing that. If we give -- if we give this to you forever, we've given it to you forever. That's --

CHAIRMAN EVANS: Yeah, and that's the issue. We're not giving it to you. We're giving it to Barrett Materials, Inc., and as long as that corporation exists, it could be sold four or five or six times, and -- but the CUP would still be in effect 50 years down the road when the fifth owner has it.

And like Bill was saying, we don't know who the quality of that owner will be.

MR. BARRETT: I don't have an answer for you. But I understand.

CHAIRMAN EVANS: Okay. We have -- so right now we have those conditions we have.

Any discussion?
Other than that, I think we've looked at
the -- a lot of people who talked. We've made notes
on it. I'm sure we have --

COMMISSIONER HAIRE: So are we
keeping it transferable as Scottie stated it in it or
not?

CHAIRMAN EVANS: I don't think
we can.

COMMISSIONER McLAREN: We can
still put it in there.

COMMISSIONER HAIRE: We put it
in there, and the issue is most corporations are sold
as an asset purchase, as a liability. So there's a
high percentage of chance this would be sold as an
asset purchase at some point and not as a stock sale.
Because you assume all liability in a
stock sale, so most people don't want to assume that
additional liability. So they buy it as an asset
purchase.

So we could put it in there for most
likely keep some protection to what you're talking
about.

CHAIRMAN EVANS: Okay. How
would you word that then?

COMMISSIONER HAIRE: Exactly as
Scottie has it.

CHAIRMAN EVANS: Okay.

Scottie, read that again as you have it.

MS. EAGAN: I have, "The CUP shall be nontransferable, and is issued to Barrett Materials, Inc. only."

CHAIRMAN EVANS: Okay.

Again, any further discussion?

And I'll just say as an aside, on the pay of the County that was not done with traffic counts, being -- I say that being one of the roads that was included on it. I know it required additional easement being given to the County, but it didn't have anything to do with traffic counts.

COMMISSIONER WILLIAMS: No. At one time, the requirement for going to a hard surface was a minimum of 150 cars per day. Now under paid County, that was not a consideration. You know, they went out and paved it. I could find nothing. If there were traffic counts done on something like Excelsior, I didn't find them. They weren't in the road file. We keep a road file on all separate roads in the county.

It wasn't there. There's some limited files over there on traffic counts for electronically
and nothing was there.

So if they were -- if they were done at one time, I have no idea where those records are.

CHAIRMAN EVANS: Okay. And I just say that because I know there was no -- we had to march up and down the road, get the letter and sign the deed, to grant the easement but there wasn't done on traffic counts.

COMMISSIONER McLaren: Mr. Chairman?

CHAIRMAN EVANS: Bill.

COMMISSIONER McLaren: I have another -- I have one more question. I promise that's the last one, and it's for us.

So six months ago when we would have had somebody that would testify against this, we would send this to the review committee pretty much automatically. But we don't have a review committee anymore, you're going to tell me, and I understand that.

But we haven't done many CUPs after that. So is it something that we need to act on tonight, or should we continue this to the next meeting?

CHAIRMAN EVANS: Well, we have the option, you know, of approving with conditions,
just denying it summarily, or tabling it. The options we don't have a review committee, if we would approve it, since it is a CUP, it can be appealed to BOZA. That's where zoning goes with the Commission. So we can approve it, and as Scottie said, 90 days they would have to appeal it to BOZA, who could change it. But the options again would be the CUP is either approve it, deny it, or table it. With the CUP, we have listed conditions. So we would approve it with. I don't know that we have grounds or any evidence has been presented that we can deny it, and I haven't heard any discussion that anybody thinks it should be denied, because as I stated before, it's a permitted use with conditions. So we have to come up with a permit no matter what conditions.

COMMISSIONER REINHOLD: So this would get moved to Old Business, and then we vote on it; is that correct?

CHAIRMAN EVANS: Yes, to -- all right. We haven't done one for a while, but it would have to go to Unfinished Business. So if we approved it, you'll go to Unfinished Business and move on with that, unless we tabled it. And then it would be just continued.
Any further discussion?

COMMISSIONER VOSS: Could I hear the list that we're going in order as to how they would be.

CHAIRMAN EVANS: Scottie.

COMMISSIONER VOSS: I don't think I've ever heard that.

MS. EAGAN: It'll say:

"Any buildings used or built in connection with this CUP will need to be approved by the Franklin County Building Department for a commercial building. All new and/or existing entrances will need to be examined by the Franklin County Highway Department for a commercial entrance. Planning and Zoning shall receive documentation of approval prior to issuance of the CUP.

"Hours of operation shall be Monday through Friday 8:00 a.m. to 5:00 p.m., and Saturday 8:00 a.m. to 12:00 noon."
"Applicant must have all the necessary licenses, permits and certificates required to do business in the county and state. Planning and Zoning shall receive documentation prior to issuance of the CUP.

"No storage or construction material, including debris and trash shall be outside the limits of the quarry.

"The applicant shall dedicate an additional ten feet of right-of-way along Hoeman Road for a total of 25 feet from the center line.

"The CUP shall be nontransferable, and is issued to Barrett Materials, Incorporated only.

"A safety barrier shall be installed at the top of the quarry cliff."

COMMISSIONER VOSS: Thank you.

CHAIRMAN EVANS: Any discussion
on those conditions?

(NONE)

Additions?

(NONE)

Subtractions?

COMMISSIONER WILLETTE: I have a question.

CHAIRMAN EVANS: Debbie.

COMMISSIONER WILLETTE: Because then of number two and number four, does that prevent us from issuing the CUP tonight?

MS. EAGAN: You approve the CUP. I issue the CUP.

COMMISSIONER WILLETTE: I see, okay. Thank you.

CHAIRMAN EVANS: Yes, Scottie actually issues it.

COMMISSIONER REINHOLD: Can I make a motion to move this to Unfinished Business with the conditions that we talked about? Is that what we're looking for now?

CHAIRMAN EVANS: Yes, you can make a motion.

COMMISSIONER REINHOLD: I make a motion to move this to Unfinished Business with the
conditions that Nichole (sic) has set.

MS. EAGAN: I set.

CHAIRMAN EVANS: We have a

motion.

COMMISSIONER VOSS: I'll second it.

CHAIRMAN EVANS: We have a

motion and a second to move File 1 with the added

conditions to Unfinished Business. All in favor

signify by saying aye.

COMMISSIONER REINHOLD: Aye.

COMMISSIONER VOSS: Aye.

COMMISSIONER McLAREN: Aye.

COMMISSIONER WILLETTE: Aye.

COMMISSIONER WILLIAMS: Aye.

CHAIRMAN EVANS: Aye.

COMMISSIONER KLENKE: Aye.

COMMISSIONER HAIRE: Aye.

COMMISSIONER FRANKENBERG: Aye.

COMMISSIONER HARTMANN: Aye.

CHAIRMAN EVANS: Opposed?

(NONE)

All right. Moving back to Old -- to

Unfinished Business, we have File 190233.

Any further discussion?
COMMISSIONER HAIRE: My only concern is since I was out there today, is I think that road, Hoeman Road, is a potential safety issue. So I'm just saying. I don't know how many people went out there and drove it, but...

COMMISSIONER VOSS: Do you think that had anything to do with the weather, or just strictly the road?

COMMISSIONER HAIRE: Oh, the weather definitely had some impact on it.

COMMISSIONER VOSS: It was bad?

COMMISSIONER HAIRE: Yeah, it was bad, but I'm just talking about because of the way the embankments are, the width of the road, the conditions of the road with ruts and ruts in it --

COMMISSIONER VOSS: I'm just curious. I mean, you were saying going up the hill, well --

COMMISSIONER HAIRE: It's very narrow, and that's the point. And there were some dropoffs on elements of that road and in that portion.

COMMISSIONER VOSS: Got you.

COMMISSIONER HAIRE: When I was pulling up Excelsior, yeah.

COMMISSIONER VOSS: I was just
trying to say yesterday because it wasn't -- this
morning it was rough driving that.

COMMISSIONER HAIRE: Uh-huh.
CHAIRMAN EVANS: Well, it's a concern, but is it sufficient? I don't think we -- I
mean, you've driven it. I have not. And it could be a safety issue, but we don't have any evidence
unfortunately. Most of the hard evidence we had was on that -- on the ability of the pavement to handle
the load.

So for the concern about that, any other discussion regarding that?

(NONE)
If not, the Chair would entertain a motion.

COMMISSIONER REINHOLD: I make a motion to approve with the conditions that Scottie has listed on it.

COMMISSIONER WILLETTE: I'll second that.
CHAIRMAN EVANS: We have a motion and a second to approve File 190233 with the conditions, set of conditions.

All in favor signify by saying aye.

COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLAREN: Aye.
COMMISSIONER WILLETTE: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER FRANKENBERG: Aye.
COMMISSIONER HARTMANN: Aye.
CHAIRMAN EVANS: Opposed?
COMMISSIONER HAIRE: Nay.
COMMISSIONER KLENKE: Nay.
CHAIRMAN EVANS: Scottie, will you take a roll call vote, please.
And an yea vote will be to approve the CUP, and a no vote will be to deny the CUP.
MS. EAGAN: Bill Evans?
CHAIRMAN EVANS: Yes.
MS. EAGAN: Dan Haire?
COMMISSIONER HAIRE: No.
MS. EAGAN: Mike Klenke?
COMMISSIONER KLENKE: No.
MS. EAGAN: Bill McLaren?
COMMISSIONER McLAREN: Yes.
MS. EAGAN: Tim Reinhold?
COMMISSIONER REINHOLD: Yes.
MS. EAGAN: Stan Voss?
COMMISSIONER VOSS: Yes.

MS. EAGAN: Debbie Willette?

COMMISSIONER WILLETTE: Yes.

MS. EAGAN: Ron Williams?

COMMISSIONER WILLIAMS: Yes.

MS. EAGAN: Dennis Hartmann?

COMMISSIONER HARTMANN: Yes.

MS. EAGAN: And, Mark Frankenberg?

COMMISSIONER FRANKENBERG: Yes.

MS. EAGAN: With 8 in favor and 2 opposed, it is approved.

CHAIRMAN EVANS: All right.

File 190233 is approved with conditions.

Preliminary Plats. We have none.

Planning and Zoning Commission Forum.

Anything we wish to discuss?

I'd like to welcome our new Commissioner Mark Frankenberg representing St. Johns.

Anything else the Commissioner wish to discuss?

If not, the Planning Director's Report.

MS. EAGAN: Today I received an e-mail from Kyle Dubbert, who has turned in his resignation for Union Township. So we're again short
another member. So if anybody knows anybody in Union Township who would be interested, please let us know. So far next month I know we have a preliminary plat that will come before you. We were notified by FEMA that there's some regulation changes again that we're going to have to do with the map changes they did.

Let's see, other than that, the rezoning is still with the County Commission. They haven't made any decisions on it. They haven't held the workshop or anything of that nature. So they just had their public hearing. They left it open to two weeks after for additional testimony. So I'm just waiting to hear back from them on any sort of workshop or working session they want to have.

So it doesn't look like we're going to hit our goal of January 1, 2020, but that's fine. I don't know what's going to happen after that, but more importantly, I want to say thank you to you guys for sitting through it all with me and getting hit with it as much as I did.

So thank you for your patience, and, Dennis, thank you for coming back after that meeting. Other than that, I got nothing.

CHAIRMAN EVANS: Thank you.
And I would like to thank everyone who came out on this cold night, whether you're for or opposed to it. We do appreciate your input, and thank you again for coming out.

If there's nothing else, the Chair would entertain a motion to adjourn.

COMMISSIONER McLAREN: Moved.
COMMISSIONER WILLIAMS: Second.
COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLAREN: Aye.
COMMISSIONER WILLETTE: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER KLENKE: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER FRANKENBERG: Aye.
COMMISSIONER HARTMANN: Aye.
CHAIRMAN EVANS: We're adjourned.

(THEREUPON, THE PROCEEDINGS CONCLUDED AT 9:10 P.M.)
CERTIFICATE OF REPORTER

I, PATSY A. MAYBERRY, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that: the aforementioned was held at the time and in the place previously described; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Mayberry, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 2022
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