

1 FRANKLIN COUNTY PLANNING AND ZONING
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 400 EAST LOCUST STREET
4 UNION, MISSOURI 63084
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7 TRANSCRIPT OF PROCEEDINGS
8 PLANNING AND ZONING COMMISSION
9 DECEMBER 17, 2019
10 (COMMENCING AT 7:00 P.M.)
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13
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15
16

17 Reported by:
18 Patsy A. Mayberry, C. R.
19 Alaris Litigation Services
20
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1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 DAN HAIRE, VICE CHAIR
5 TIMOTHY REINHOLD, COMMISSIONER
6 STANLEY VOSS, COMMISSIONER
7 BILL McLAREN, COMMISSIONER
8 RON WILLIAMS, COMMISSIONER
9 DEBBIE WILLETTE, COMMISSIONER
10 MIKE KLENKE, COMMISSIONER
11 DENNIS HARTMANN, COMMISSIONER
12 MARK FRANKENBERG, COMMISSIONER
13 PLANNING AND ZONING STAFF:
14 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
15 NICHOLE ZIELKE, COUNTY PLANNER
16 COUNTY LEGAL COUNSEL:
17 MARK PIONTEK, COUNTY ATTORNEY
18
19 ALARIS LITIGATION SERVICES:
20 PATSY A. MAYBERRY, C. R.
21 711 NORTH 11TH STREET
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25

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

2 (DECEMBER 17, 2019)

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

6 Scottie, will you call the roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. EAGAN: Dan Haire?

10 COMMISSIONER HAIRE: Here.

11 MS. EAGAN: Mike Klenke?

12 COMMISSIONER KLENKE: Here.

13 MS. EAGAN: Bill McLaren?

14 COMMISSIONER McLAREN: Here.

15 MS. EAGAN: Tim Reinhold?

16 COMMISSIONER REINHOLD: Here.

17 MS. EAGAN: Stan Voss?

18 COMMISSIONER VOSS: Here.

19 MS. EAGAN: Debbie Willette?

20 COMMISSIONER WILLETTE: Here.

21 MS. EAGAN: Ron Williams?

22 COMMISSIONER WILLIAMS: Here.

23 MS. EAGAN: Dennis Hartmann?

24 COMMISSIONER HARTMANN: Here.

25 MS. EAGAN: Mark Frankenberg?

1 COMMISSIONER FRANKENBERG:

2 Here.

3 MS. EAGAN: We have a quorum.

4 CHAIRMAN EVANS: Thank you.

5 At this time, I will give the
6 Commissioners the opportunity to declare any
7 conflicts, communications, or relationships they may
8 have had that might influence their ability to
9 consider today's issues impartially.

10 (NONE)

11 If there are no declarations, Scottie,
12 will you please give us the presentation of the
13 meeting procedures and exhibits.

14 MS. EAGAN: Tonight's Planning
15 Commission meeting is governed by the Franklin County
16 Unified Land Use Regulations.

17 Some matters on the agenda may be for
18 action by the Planning and Zoning Commission. These
19 matters do not involve public hearings.

20 Other matters on the agenda require
21 public hearings under Missouri law. If a matter
22 involves a public hearing, all individuals who desire
23 to testify will be given an opportunity to do so.

24 At this time, I would like to place into
25 the record these regulations as Exhibit A, the

1 official Zoning Map as Exhibit B, the official Master
2 Plan as Exhibit C, and the case file for each case as
3 Exhibit D for all the cases to be heard during the
4 public meeting.

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

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

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

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

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

25 It is possible for the Planning

1 Commission to decide to move a New Business issue to
2 Unfinished Business and vote on it the same night.

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

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

12 CHAIRMAN EVANS: Thank you.

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

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

22 CHAIRMAN EVANS: Thank you,
23 Ron.

24 COMMISSIONER WILLIAMS: Yes.

25 CHAIRMAN EVANS: Are there any

1 other additions or corrections?

2 (NONE)

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

6 COMMISSIONER WILLETTE: I'll
7 make that motion.

8 COMMISSIONER KLENKE: Second.

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

12 COMMISSIONER REINHOLD: Aye.

13 COMMISSIONER VOSS: Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER WILLETTE: Aye.

16 COMMISSIONER WILLIAMS: Aye.

17 CHAIRMAN EVANS: Aye.

18 COMMISSIONER KLENKE: Aye.

19 COMMISSIONER HAIRE: Aye.

20 COMMISSIONER FRANKENBERG: Aye.

21 COMMISSIONER HARTMANN: Aye.

22 CHAIRMAN EVANS: Opposed?

23 (NONE)

24 The minutes are approved.

25 Communications and Visitors Comments.

1 Anyone present wishing to address the Commission?

2 (NONE)

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

5 New Business. File 190233, Barrett
6 Materials, Inc.

7 Scottie, please give us the details.

8 MS. EAGAN: This is File
9 190233.

10 The applicant is Barrett Materials, Inc.

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

14 The property is located at 5325 Hoeman
15 Road on the north side of Hoeman Road approximately
16 1,600 feet south of Detmold Road in Lyon Township.

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

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

25 The properties around the proposed site

1 are zoned Agricultural Non-Urban.

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

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

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

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

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

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

23 The applicant should have hours of
24 operation.

25 The applicant must have all the necessary

1 license, permits, and certificates required to do
2 business in the county and state. Planning and Zoning
3 shall receive documentation prior to issuance of a
4 CUP.

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

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

11 CHAIRMAN EVANS: Thank you.

12 Is the applicant present?

13 MR. JOE FELDMAN: Yes.

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

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

20 CHAIRMAN EVANS: We'll proceed.

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

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

1 speak.

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

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

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

9 (THEREUPON, THE WITNESS WAS
10 SWORN.)

11 I'm Joe Feldman with Cochran Engineering.
12 I'm representing Barrett Materials in this Conditional
13 Use Permit for the approval of the proposed quarry and
14 property on Hoeman Road from Franklin County.

15 The Barrett family name has been around
16 since 1940, and they have run Enochs Knob Quarry since
17 1988. A number of years ago, Barrett Materials
18 applied for a business permit on the site near the
19 intersection of Highway C and Y on Vedder Road and
20 Detmold Road. This resulted in their business moving
21 two counties over to Belle, Missouri.

22 Barrett Material would again like to put
23 a facility in Franklin County. They feel they have
24 selected the site that will meet approval of the
25 planning and zoning conditions.

1 The site proposed on this plan -- I think
2 you have the packet showing the location is
3 approximately six miles southwest of New Haven near
4 Detmold.

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

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

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

22 COMMISSIONER WILLIAMS: Wear
23 and tear of the truck road on Hoeman Road near
24 Excelsior Road pavement lasts for a period of three
25 months. It's engineered for that.

1 Mr. James Barrett is available to answer
2 any specific questions you may have concerning that
3 service.

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

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

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

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

23 This equates to approximately 187,500
24 trips. And if you multiply this by two to get their
25 trucks back to their yard, that's 375,000 trips.

1 The thing that's most impressive about
2 this number is that they've done that without one
3 accident.

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

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

11 "Limestone is mined in all
12 but a few Missouri counties, and
13 the industry employs more than
14 2,500 people, with a combined
15 payroll of more than \$600 million.
16 More than 70 million tons of
17 limestone aggregate is produced
18 annually in the state, which is
19 equivalent to about 10 tons for
20 every resident."

21 And the last thing I saw in this was:

22 "Most limestone aggregate is
23 used within 40 miles of where it
24 is quarried. After a loaded
25 dump truck travels about 20 miles,

1 freight charges begin to exceed
2 the cost of the aggregate product
3 that it carries."

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

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

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

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

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

24 CHAIRMAN EVANS: Any questions
25 from the Commissioners?

1 COMMISSIONER McLAREN: I have
2 two.

3 One is their end customer is a taxable
4 customer, or is it some going to go out that's not
5 going to have tax on it? Is that -- do you understand
6 my question?

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

11 COMMISSIONER McLAREN: Yes,
12 sir. Are there taxes going to be collected on this
13 30,000 tons?

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

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

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

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

25 They're going to produce 30,000 tons a

1 year; is that what you said? I don't want to put
2 words in your mouth, if you can go back to where you
3 were.

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

7 COMMISSIONER McLAREN: Okay.

8 And so how many truckloads is that?

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

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

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

18 COMMISSIONER McLAREN: Okay.

19 And once again, how many truckloads is
20 30? If it's 30,000 tons in a year, how many
21 truckloads is it?

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

24 COMMISSIONER McLAREN: Okay.

25 COMMISSIONER WILLETTE: Mr.

1 Chairman, I have a question.

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

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

9 CHAIRMAN EVANS: Debbie.

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

13 MR. FELDMAN: He has nine
14 employees.

15 COMMISSIONER WILLETTE: All
16 right. Thank you.

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

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

23 CHAIRMAN EVANS: Please.

24 MR. BARRETT: Oh, I forgot.
25 Sorry.

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

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

6 MR. FELDMAN: That's correct.

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

9 Ron?

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

13 MR. FELDMAN: Eight to five.

14 COMMISSIONER WILLIAMS: Five,
15 six days a week?

16 MR. FELDMAN: Five and a half.
17 Sounds like they work Saturday mornings.

18 COMMISSIONER WILLIAMS: Okay.

19 Thank you.

20 CHAIRMAN EVANS: Any other
21 questions?

22 COMMISSIONER HAIRE: Yeah, I
23 have one for Ron.

24 I looked at Hoeman Road. What is your
25 assessment of using that routing and the road? It

1 looks like, you know, when I was out there looking at
2 it, it did feel a little rough with that many trucks
3 going up and down it.

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

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

13 COMMISSIONER HAIRE: Okay.

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

18 Is that correct?

19 MR. FELDMAN: Sounds like that
20 is correct.

21 COMMISSIONER McLAREN: Okay.
22 And what would that be? When the quarry is done and
23 going to be closed, what would that end use be?

24 MS. EAGAN: Maybe we can just
25 bring up Mr. Barrett.

1 MR. FELDMAN: I was going to
2 say let's bring Mr. Barrett up and see what he has.

3 CHAIRMAN EVANS: Any other
4 questions for Joe?

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

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

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

12 (THEREUPON, THE WITNESS WAS
13 SWORN.)

14 MR. BARRETT: James Barrett.

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

17 MR. BARRETT: James Barrett,
18 3880 Boeuf Creek Road, New Haven, Missouri.

19 CHAIRMAN EVANS: All right.
20 Thank you. Any questions for Mr. Barrett?

21 COMMISSIONER McLAREN: I have.
22 Well, as I've sat here, I've come up with another
23 question also. But my first one was, when the quarry
24 and the operation is done and it's time to close the
25 quarry, what do you anticipate is the final use for

1 that property/

2 MR. BARRETT: That property
3 there will probably be for like storing machinery or
4 something like that because it will be coming in off
5 the road level, you know.

6 Our property on Enochs Knob where we're
7 going to have an impoundment. It's all okayed by the
8 DNR. So...

9 COMMISSIONER McLAREN: Okay.
10 Thank you.

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

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

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

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

24 MR. BARRETT: Okay.

25 COMMISSIONER McLAREN: So I

1 asked earlier, and the answer was yes, most of your
2 product will go out as a taxable product.

3 MR. BARRETT: Yes, sir.

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

10 MR. BARRETT: I got to turn
11 around and ask my wife, so okay. (Conferring)

12 It's between 25 and 4 thousand a month.

13 COMMISSIONER McLAREN: All
14 right. Thank you.

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

17 MR. BARRETT: It could be a
18 whole bunch. You know, I don't know. It depends on
19 what you sell, and the -- it's just -- let's say
20 50,000 tons a year. So --

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

24 MR. FELDMAN: Can I go and
25 answer since I'm sworn in, or help?

1 CHAIRMAN EVANS: Yes.

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

5 MR. BARRETT: Longer than that.

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

9 CHAIRMAN EVANS: Okay.

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

12 MR. BARRETT: No.

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

16 MR. BARRETT: Well --

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

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

23 I don't -- I don't -- I honestly can't
24 tell you that. We sell about 30,000 a year, you know,
25 something like that. You know, however long that

1 takes to use that all up.

2 CHAIRMAN EVANS: Okay.

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

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

11 MR. BARRETT: That out there
12 was 13 acres.

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

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

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

25 CHAIRMAN EVANS: Okay.

1 Any other questions from the
2 Commissioners?

3 COMMISSIONER HARTMANN: Do you
4 plan to use the other acreage at some point, the other
5 245 acres, or do you think --

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

8 COMMISSIONER HARTMANN: Okay.

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

11 MR. BARRETT: For right now.

12 CHAIRMAN EVANS: For right now?

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

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

18 MR. BARRETT: Right.

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

21 MR. BARRETT: Right.

22 CHAIRMAN EVANS: -- any bigger
23 than that.

24 MR. BARRETT: Right.

25 MR. FELDMAN: And that's what

1 Mr. Brandt agreed to on the application, is the 45
2 acres.

3 CHAIRMAN EVANS: Okay.

4 Again, any other questions?

5 COMMISSIONER McLAREN: Mr.
6 Chairman.

7 CHAIRMAN EVANS: Bill.

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

12 MR. BARRETT: Let's see, about
13 3,200.

14 COMMISSIONER McLAREN: Well --

15 MR. BARRETT: What did you use,
16 150 pounds?

17 COMMISSIONER McLAREN: I just
18 was -- I was using something, and it works out pretty
19 good for me usually. I use 1,600 yards per foot, and
20 3,000 pounds per yard is what I was doing. So whether
21 I'm right or wrong is irrelevant.

22 MR. BARRETT: We're close.

23 COMMISSIONER McLAREN: Okay.

24 How deep of cut are you making on this 45 acres to be
25 flat to the road?

1 MR. BARRETT: Okay. I'm
2 guessing just by looking at the height of the thing,
3 I'm going to guess it's -- in the deepest part, it's
4 probably not going to be more -- less than 50 feet.

5 COMMISSIONER McLAREN: Okay.

6 CHAIRMAN EVANS: Any other
7 questions?

8 MR. BARRETT: We'll start 0 to
9 50, how's that?

10 CHAIRMAN EVANS: All right.
11 Thank you. Thank you, gentlemen. Thank you, Mr.
12 Barrett.

13 MR. BARRETT: Oh, thank you.

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

16 (NONE)

17 If not, is -- I'm sorry.

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

20 (THEREUPON, THE WITNESS WAS
21 SWORN.)

22 MR. TIM OTTEN: Tim Otten from
23 New Haven.

24 While I -- obviously we have to direct
25 our comments to you as the Board, basically everybody

1 in this room, we all know each other. We might have a
2 difference of opinion on this, so my comments are also
3 directed at them so that we kind of all be on the same
4 page on there, because we all have to work together.

5 I'm an Alderman in the City of New Haven.
6 I get an opportunity to work with a lot of these
7 individuals in the area. There's -- in the New Haven
8 area, we're talking maybe 10,000 people. You know,
9 2,000 are in the city of New Haven, which is what I
10 represent. But my wife has a business that we deal
11 with a lot of the other people in the local area. So
12 I get a chance to talk with a lot of these different
13 individuals, and I think a lot of them are down here
14 tonight to basically hear what Mr. Barrett has to say,
15 see what his plans are, and that's kind of the opinion
16 I get.

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

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

1 all the time.

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

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

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

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

24 You have these people coming in here for
25 these conditional use permits, and you're like is he

1 really going to do that? Then a year later, they come
2 back, you know, Scottie comes back and says, well,
3 they're not doing what they said they're going to do.
4 They didn't put a fence around their lot, and now you
5 got to revoke it.

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

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

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

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

1 and actually physically pick up the data.

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

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

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

21 But what we're talking about is we're
22 talking about 10 trucks a day, you know, 30,000. If
23 you take, you know, however many, 250 days -- it's
24 more like closer to 8, but if he's going more to 40,
25 50 thousand, you know, he might be up to 15 trucks a

1 day.

2 And his hours of operation is 8:00 to
3 5:00. Most of us at work by 8:00 and don't get home
4 till 5:00. So the truck traffic is going to happen
5 during the day. I have businesses that I operate with
6 out of Gerald, Owensville, Sullivan, and I had an
7 office down south of Rolla. So I drive these roads a
8 lot during the day. And there's just not much traffic
9 that we're dealing with.

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

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

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

25 CHAIRMAN EVANS: I would you to

1 finish up, please.

2 MR. OTTEN: Okay.

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

7 Thank you for your time.

8 CHAIRMAN EVANS: Anyone else
9 wishing to speak in support?

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

12 (THEREUPON, THE WITNESS WAS
13 SWORN.)

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

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

24 I'm going to make this short and sweet.

25 CHAIRMAN EVANS: Thank you.

1 Anyone else wishing to speak in support
2 of this file? If -- okay. We have --

3 Come forward, state your name and address
4 and sign in, please.

5 (THEREUPON, THE WITNESS WAS
6 SWORN.)

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

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

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

25 So I just wanted to point that out. I

1 mean, we live out in the country, and you got to
2 expect some of this stuff. I mean, the roads aren't
3 going to be perfect everywhere, and they need
4 maintained. The County does maintain them.

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

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

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

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

22 CHAIRMAN EVANS: Thank you.

23 Anyone else present wishing to speak in
24 support?

25 (NONE)

1 If not, anyone present wishing to speak
2 in opposition?

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

5 (THEREUPON, THE WITNESS WAS
6 SWORN.)

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

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

11 MR. BERGER: Okay.

12 (THEREUPON, EVIDENCE WAS MARKED
13 FOR IDENTIFICATION AND SUBMITTED
14 FOR THE RECORD AS OPPOSITION EXHIBIT
15 1 and 2.)

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

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

23 The intersection on State Secondary
24 Highway E and Highway Y, which sounds like it'd be the
25 route maybe the trucks would be traveling, you really

1 need to use caution when you're making a left-hand
2 turn off of E onto Highway Y because the crest of the
3 hill is kind of a dangerous intersection.

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

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

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

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

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

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

1 needing repair.

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

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

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

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

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

25 So if you've been up there recently, the

1 road looked pretty nice, but those weeds are not
2 always trimmed back like that.

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

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

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

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

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

25 I did talk with County Highway Engineer

1 Ron Williams, and he was going to check on this to see
2 if the traffic count was every done. He was to call
3 me back if he found anything.

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

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

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

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

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

25 Detmold Road off of Highway Y is a gravel

1 road that has a concrete slab as they so stated.

2 Okay. They're talking like that would not be a way to
3 come into the quarry, but as we all know, if it's a
4 shortcut for a dump truck driver, I'm going to take
5 that route.

6 CHAIRMAN EVANS: I'D ask you to
7 finish up, please.

8 MR. BERGER: Okay.

9 The problem is on Detmold Slab Road to
10 get to Hoeman Road, it's a one lane, and it's got very
11 sharp curves that's mainly sand and gravel.

12 Thank you.

13 CHAIRMAN EVANS: Thank you.

14 Anyone else wishing to speak in
15 opposition?

16 Please state your name and address and
17 sign in, please.

18 (THEREUPON, THE WITNESS WAS
19 SWORN.)

20 MR. RANDY BIRKMAN: My name's
21 Randy Birkman. I live on Hoeman Road.

22 I went around with a petition of denial.
23 Most people worried about public safety just driving
24 on the roads that are families going back to work.

25 Hoeman Road is not wide enough to meet

1 two dump trucks on the 3/10 of a mile southwest of
2 Detmold Road. You cannot even meet two passenger cars
3 there. How you going to meet two dump trucks or a
4 passenger car and dump truck, safely?

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

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

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

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

18 MR. BIRKMAN: There's probably
19 60 --

20 MS. EAGAN: Hold on one second.

21 MR. BIRKMAN: Okay.

22 There's probably at least 50 to 60
23 signatures on there against it, and most people are
24 worried about the roads, their safety, their family's
25 safety, and you guys say with tax revenue, that's

1 fine. But it's a gravel road, like the last person
2 said. You're going to have to spend more money, more
3 rock unless Barrett's going to provide it, and you
4 know, I mean, unless the County is going to make it
5 wider.

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

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

22 So the biggest thing is public safety
23 that most people are concerned about. And again,
24 another thing is if they make this level with the
25 road, I've seen five foot of water there along that

1 bluff in many a years.

2 So if he puts his quarry in there, it's
3 going to flood. I can promise you that.

4 So that's all I have to say.

5 CHAIRMAN EVANS: Thank you.

6 Okay. Anyone else wishing to speak in
7 opposition?

8 Please state your name and address and
9 sign in.

10 (THEREUPON, THE WITNESS WAS
11 SWORN.)

12 MR. JOHN NILGES: Good evening,
13 Commission. My name is John Nilges. I'm a resident
14 of 9476 Excelsior Road. I do have a Gerald address.
15 I do live on the west side of Stone Church Road.

16 I did put together a presentation, so
17 hopefully we can get this working. I did not check
18 with Scottie prior to the meeting, but let's see what
19 we can do here.

20 Five minutes, correct?

21 CHAIRMAN EVANS: Right.

22 MR. NILGES: While we get this
23 set up, I wasn't asked by a neighbor of mine by the
24 name of Tom April. He also lives at 9420 Excelsior
25 road. He was unable to make it to the meeting

1 tonight, but he did provide some letters that I'd like
2 to pass out basically on his behalf.

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

8 (SETTING UP EQUIPMENT)

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

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

22 So the first slide here, which
23 unfortunately I don't have, basically I just identify
24 the Unified Land Use Regulation specifically spell out
25 that even the Planning and Zoning Commission finds the

1 application complies.

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

7 It's just in your conditional use permit.
8 The use will significantly be detrimental to public
9 health, safety, morals -- or morals and general
10 welfare; the use will be cause serious injury to
11 neighboring properties or values.

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

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

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

23 This is not a discussion of economics.
24 This is not a debate of who is good, who is bad, who
25 is right and who is wrong. I think I said before, I

1 know basically everyone out here. I've lived out here
2 all my life.

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

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

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

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

25 The next slide actually shows Hoeman

1 Road, and I did go measure these. Hoeman Road varies
2 from 16 feet. I think the previous individual
3 indicated they had a head-on collision.

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

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

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

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

25 The number of passenger cars equivalent

1 to a tandem axle dump truck is 1,279 -- 1,279. That's
2 one truck.

3 So real quick little traffic study.
4 Again, the County can do this. Anyone can do it.
5 It's just me plugging away to throw some things
6 together.

7 But assume there's 50 properties, 4 trips
8 a day. That's 200 vehicles a day. Okay. At point
9 0008, ESALs per passenger vehicle, that's around point
10 16. Easy math, multiplication.

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

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

22 The next slide as we're going around, it
23 does show December 11th I took some photos of Enochs
24 Knob Road. There was a discussion. It's only a
25 quarter mile long. It clearly shows damage to the

1 pavement. I mean, that's out there today if anyone
2 had an opportunity to go out and look at it, there's
3 damage to Enochs Knob Road on 185.

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

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

11 MR. NILGES: And as you go
12 through there, you will also see additional damage
13 that's located on Enochs Knob that's existed since
14 2012.

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

18 Will Hoeman Road be allowed to have two
19 vehicles pass?

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

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

25 CHAIRMAN EVANS: Thank you.

1 You know, I've lived where I live for 26
2 years now. My husband and I have raised two children
3 there. It is such a beautiful place to live. And I
4 know I've been told don't get into the emotional part.
5 So I'm going to try not to.

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

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

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

23 We are very kind. We are patient. We
24 wait for each other, but that is the reality. There
25 are some very sharp curves.

1 The road that I am most -- the area I'm
2 most concerned about is that you would be going up
3 Hoeman Road towards Excelsior. It sounds like
4 everybody agrees that is the part that would be used.
5 It's a very steep hill. I was trying to take some
6 pictures the other day of it myself. I mean, it's
7 just ditch. You're going to -- if you try to pull
8 over on the side, the ground, much of the time, is
9 very soft.

10 When I go down that road when the weather
11 is kind of iffy, I just cringe because as you're
12 coming down, there's a sharp curve, and you just hope
13 there's not somebody coming too fast that direction.

14 So that is what I am really, really
15 worried about. I know the slabs. We have to cross
16 one of the slabs to get to our house everyday, and I
17 know that it was mentioned that, you know, if they're
18 not traffic worthy, which is very, very true, there's
19 rebar right now sticking up through ours.

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

25 And just a little bit of increased

1 traffic, I mean, there's just -- they will not hold
2 up.

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

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

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

20 Hoeman Road is gravel. It's already
21 dusty, but the dust that would be generated by a
22 quarry, and I don't have a lot of knowledge about
23 this, but I am concerned. Very concerned about runoff
24 into Boeuf Creek. You know, that creek when you talk
25 about quality of life, way of life, people that I know

1 from school, families who can't afford to take their
2 whole family to the pool in the summer, they come out
3 there and they bring their kids to swim in that creek.

4 People come out fishing, people come out
5 to bring their dogs, and I just -- I just can't hardly
6 stand the idea of this runoff going into the creek.
7 And again, I'm not the most knowledgeable person about
8 this. But that is in a flood plain, and I can't
9 imagine how things wouldn't end up running into the
10 creek.

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

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

24 But a lot of people are very concerned
25 about what's going to happen, and it's not that we --

1 we all understand that we need business and we need
2 taxes. We all understand that, but I -- I mean, I
3 feel --

4 CHAIRMAN EVANS: I have to ask
5 you to finish up, please.

6 MS. CONNER: Okay. I really am
7 very concerned that there will be accidents and that
8 they will be very serious accidents out there along
9 with just some of the other things that I mentioned.

10 Again, I thank you very much for your
11 time, and just thank you for your consideration.

12 CHAIRMAN EVANS: Thank you.

13 Anyone else wishing to speak in
14 opposition?

15 Will you please state your name and
16 address and sign in.

17 MR. JAMES CONNER: I am James
18 Conner. I'm at 5512 Hoeman Road as my wife just
19 spoke.

20 (THEREUPON, THE WITNESS WAS
21 SWORN.)

22 Yeah, I have several concerns like
23 everybody else here. The roads the biggest concern.
24 Safety, and these roads are narrow. Like my wife was
25 just saying, there are ditches. There's nowhere to

1 pull over when you meet, especially something like a
2 dump truck. There's nowhere to pull over. You know,
3 unless there's going to spend a ton of money to fix
4 the road, I don't see how you can do this and justify
5 the little bit of taxes that you're going to get back
6 out of these 15 loads a day or whatever he's saying.

7 I don't see where it could generate
8 enough taxes to justify to fixing the roads, or even
9 maintaining the roads. If you left the roads the way
10 they were, to maintain the roads, it's not going to
11 generate enough taxes there.

12 I mean, he wants -- you know, it's not
13 like New Haven is going to go without rock. I mean,
14 there are -- there's still a quarry in New Haven. So
15 it's not like they're going to have to haul it 40
16 miles from Belle or wherever.

17 So there is somewhere else they can get
18 rock if they need rock. You know, like I said, I have
19 issues with the roads. I live at that slab. My wife
20 just, you know, brought this up that I live at that
21 slab, and that slab is collapsing the way it is now.

22 If you go under the under side of the
23 slab, you look up underneath there, it's hollow.
24 Underneath there, it's washed out underneath the slab,
25 you know.

1 Barrett's trucks may not cross that slab,
2 but if somebody comes from Gerald up there hauling
3 rock, he's going to take the fastest way out of there.
4 He don't care. Once he's across that slab, he's gone,
5 you know.

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

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

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

25 And it's just going to be a big hole in

1 the ground, you know. You might be able to feed
2 cattle there, but that's about all you could do.

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

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

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

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

22 You know, the quality of life. Its'
23 going to change everybody's life in the immediate
24 area. The noise, you know, several people have cattle
25 around there. There is documents about the noise on

1 cattle, livestock. You know, I don't know.

2 Like I said, I just don't see how you can
3 justify 15 loads of road paying for the additional
4 maintenance that it's going to take to keep the roads
5 up to standards.

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

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

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

25 Thank you.

1 CHAIRMAN EVANS: Thank you.

2 Anyone else wishing to speak in
3 opposition?

4 (NONE)

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

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

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

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

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

25 And these cattle, a fellow brought up

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

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

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

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

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

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

18 Bill?

19 COMMISSIONER McLAREN: I used
20 to have an uncle that was in a Bureau of Mines
21 inspector, and he told me that there is a difference
22 of -- and I don't mean to insult anyone when I say
23 this -- a difference between a really commercial
24 quarry and a mom-and-pop quarry of the way they
25 inspect stuff and they way they enforce stuff.

1 further apart. You know, if -- this is the third time
2 I've tried for one, and I understand some was closer.
3 But if this one is denied, you just as well take them
4 completely out of the -- out of the county because
5 there's nobody is going to be able to meet those kind
6 of specs to make them pass.

7 CHAIRMAN EVANS: All right.

8 Thank you.

9 MR. BARRETT: Thank you.

10 CHAIRMAN EVANS: Discussion by
11 the Commission?

12 AUDIENCE MEMBER: Mr. Chairman?

13 CHAIRMAN EVANS: No, we're
14 done.

15 AUDIENCE MEMBER: Okay.

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

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

23 COMMISSIONER WILLIAMS: I'm not
24 going to say it's not in your purview, but what I am
25 going to say is we have no restrictions on the type of

1 traffic that can use our road, unless there is
2 structural restriction like a load limit on a bridge.

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

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

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

16 We can't stop them from using that road.
17 It's down and goes to a private, you know, drive at
18 the end. But you just take a drive down there
19 sometime and look at that road, and you'll see what
20 we're up against when we say they will continue to use
21 the road. But we're always down there repairing.

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

24 COMMISSIONER KLENKE: Multiple
25 times people have brought up this low-water crossing,

1 and they refer to it as a bridge. Is that accurate?

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

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

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

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

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

22 Because I believe it was before Ron that
23 the County engineer was a lady at that time, I
24 believe, and as I read -- or maybe Dan -- as I read
25 minutes on one of the meetings to kind of better

1 understand what my position here would entail, it
2 seems to me like Haven was looking at doing a gravel
3 plant down on Mill Hill or something, and there was
4 requirement to do road improvements in order to get
5 that.

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

9 Is that a possibility?

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

14 COMMISSIONER WILLIAMS: Not
15 yet.

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

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

1 to the dangers to the public from the applicant.

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

5 Any other discussion?

6 COMMISSIONER McLAREN: I feel
7 really wordy this evening.

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

12 You know, my only comment is I did a
13 little bit of math again, and this turns out to be at
14 45 acres, if there was an average of 25 foot of rock
15 on it, a 97-year process to do this quarry.

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

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

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

25 And the Commission has to make a decision

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

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

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

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

19 So we have to approach it...

20 Again, any further discussion?

21 (NONE)

22 Again, any other questions or discussion?

23 (NONE) {FLUSH}

24 I know, Dan, I was going to go out and
25 see it this weekend, and I did not have the

1 opportunity to personally go out and look at it.

2 Which I wish I had had the chance.

3 Again, any discussion?

4 (NONE)

5 Well, we had -- we know what the
6 operating hours would be, five and a half days a week
7 and till 5:00.

8 Were there any other conditions?

9 MS. EAGAN: I mean, there was
10 testimony to how many trips per day, how many
11 employees, how often they blast, things of that
12 nature.

13 And when we say five and a half days,
14 what do we mean?

15 CHAIRMAN EVANS: I guess Monday
16 through Friday and Saturday morning, but we would --
17 can clarify that.

18 Scottie just read off some of the things
19 that were included in the testimony.

20 Again, any further discussion?

21 COMMISSIONER McLAREN: Mr.
22 Chairman, I would think as just for discussion there
23 should be some kind of fencing that there's a 50-foot
24 face that there should be some kind of fencing
25 required at that face.

1 CHAIRMAN EVANS: On the road
2 side?

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

5 CHAIRMAN EVANS: Drop.

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

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

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

20 COMMISSIONER McLAREN: Yes. I
21 mean, it --

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

25 COMMISSIONER McLAREN: No, it's

1 to keep somebody from falling -- an uninvited
2 trespasser from walking over and falling off.

3 If you get --

4 MS. EAGAN: Oh, on the top.

5 COMMISSIONER McLAREN: Yes. If
6 you get a building permit and you build a house, you
7 can't even have a four-foot high bank at your house
8 and pass the building code in Franklin County without
9 having something above it.

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

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

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

25 If you've got a drop, I think you can

1 require them as a condition of approval that they
2 erect some sort of a fence along the top of that
3 cliff, I guess, if you will.

4 CHAIRMAN EVANS: Okay.

5 And I agree. I just had to question
6 since it's all still one parcel.

7 COUNTY ATTORNEY PIONTEK: Yes.

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

11 CHAIRMAN EVANS: All right.

12 Thank you.

13 All right, again, any further discussion?
14 Need to move on.

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

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

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

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

24 CHAIRMAN EVANS: Mr. Barrett,
25 would you step back up here, please.

1 MR. BARRETT: Yes, sri.

2 CHAIRMAN EVANS: Now, DNR
3 requires a fence?

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

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

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

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

19 COMMISSIONER McLAREN: Wherever
20 the sheer bank would be is what my question is.

21 MR. BARRETT: Yeah, that would
22 be at the end of the -- when the quarry is done. That
23 would be your sheer bank. And then you got to have a
24 3:1 slope out to that, then you got to have signage
25 all around it.

1 COMMISSIONER McLAREN: You
2 know, like I said, it's more about somebody
3 trespassing not knowing it's there, somebody out
4 imaging they're coon hunting in the dark and they're
5 off a cliff and it's 97 years, according to what I
6 figured out before you're done.

7 MR. BARRETT: Right.

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

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

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

17 MR. BARRETT: Okay.

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

21 MR. BARRETT: Right.

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

24 MR. BARRETT: Parts of it we
25 do, parts of it we don't.

1 CHAIRMAN EVANS: Okay.

2 MR. BARRETT: So...

3 CHAIRMAN EVANS: And why do you

4 have it around parts of it?

5 MR. BARRETT: I'm sorry.

6 CHAIRMAN EVANS: Why do you

7 have it around certain parts of it?

8 MR. BARRETT: Well, because

9 there's pasture around there.

10 CHAIRMAN EVANS: Okay.

11 MR. BARRETT: Yeah.

12 CHAIRMAN EVANS: So it's

13 because of pasture?

14 MR. BARRETT: Yeah.

15 CHAIRMAN EVANS: All right.

16 Any other questions for Mr. Barrett?

17 (NONE)

18 All right. Thank you.

19 Again, any discussion from the

20 Commission?

21 COMMISSIONER HAIRE: No to your

22 question, Nichole here helped me point it out to me

23 that we can make the conditional use permit

24 nontransferable in our regulations.

25 COMMISSIONER McLAREN: I think

1 that that needs to be considered. I mean, we've done
2 that with other things. I think it needs to be
3 considered.

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

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

13 Anybody have a condition?

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

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

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

22 MR. BARRETT: We own two dump
23 trucks, and probably -- well, I'm not going to tell
24 you or pull your leg or anything. It may be 15 for
25 the 2. You'll be 30 trips, but the other one's

1 usually hauling dirt somewhere off of some job or
2 hauling sand back from Hermann, or something like
3 that, you know, to customers.

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

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

9 COMMISSIONER KLENKE: On
10 average.

11 CHAIRMAN EVANS: On average?

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

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

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

25 CHAIRMAN EVANS: Okay.

1 MR. BARRETT: If it's a busy
2 day, I'll have two down here. Otherwise, there's one
3 down here.

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

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

12 CHAIRMAN EVANS: Per truck?

13 MR. BARRETT: Yeah, per truck.

14 CHAIRMAN EVANS: Okay.

15 COMMISSIONER McLAREN: Mr.
16 Chairman, I'm going to argue the other side of the
17 fence this time.

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

25 But there's still emergencies that you

1 got to haul a lot of rock out of there, and I don't
2 feel that we're going to tie him to 15 trips a day is
3 the right thing to do.

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

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

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

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

22 Right now all we really have is business
23 hours.

24 COMMISSIONER KLENKE: Well, I
25 don't -- I'm okay for non-transferring. I mean, I

1 didn't hear anybody say that that wasn't something we
2 should consider.

3 You're saying we can't consider that?

4 CHAIRMAN EVANS: Oh, we can
5 consider it.

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

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

13 COMMISSIONER McLAREN:
14 Incorporation.

15 CHAIRMAN EVANS: -- the
16 corporation.

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

21 COUNTY ATTORNEY PIONTEK: Yes.

22 COMMISSIONER McLAREN: Okay.

23 COUNTY ATTORNEY PIONTEK: If
24 it's a corporation and you sell all the stock to
25 another stockholder, the corporation still exists.

1 The corporation still owns the CUP, even though the
2 stockholders have changed.

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

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

10 COMMISSIONER HAIRE: Yep.

11 COUNTY ATTORNEY PIONTEK: Then
12 that new owner wouldn't have the CUP.

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

18 COMMISSIONER McLAREN: Can you
19 do it by management?

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

24 COMMISSIONER McLAREN: You
25 know, I've seen John Meres (ph.) say if you weren't

1 actively running this store, you couldn't keep the
2 store any longer. So that...

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

7 All right. So we have business hours.

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

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

15 CHAIRMAN EVANS: I don't --
16 Mark?

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

24 I think Nichole mentioned that earlier.

25 CHAIRMAN EVANS: Yeah, I think

1 we have done that in one or two instances, like a
2 while back. The details of which I cannot remember.

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

8 Okay. I'm against that.

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

13 COMMISSIONER VOSS: Yes.

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

17 Bill?

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

20 MR. BARRETT: Yes.

21 CHAIRMAN EVANS: Yes.

22 COMMISSIONER McLAREN: How did
23 you choose to do 45 acres, if it's honestly past your
24 lifetime when you -- and I don't want to guess how old
25 you are. I'm not trying to do that. My hair's gray

1 too.

2 But why did you choose 45 acres if 15
3 acres lasted your family a hundred years?

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

6 COMMISSIONER McLAREN: Okay.

7 MR. BARRETT: And they're young
8 yet.

9 CHAIRMAN EVANS: All right.

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

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

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

21 The hours of operation are listed in
22 there under three. You can make it Monday through
23 Friday 8:00 to 5:00, Saturdays closed -- or 8:00 to
24 12:00. That takes care of the hours.

25 And you got, like I said, you can add

1 then if the quarry sells, the CUP expires, and you got
2 to deal with whether you want fencing or not.

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

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

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

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

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

24 The only other one that's been discussed
25 is the fencing, what we want to do about fencing.

1 COMMISSIONER REINHOLD: I think
2 you need to word it as a safety barrier instead of
3 fencing, because it could be a number of things. It
4 could be a guardrail. It could be a lot of different
5 things.

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

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

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

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

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

24 CHAIRMAN EVANS: Yes, he can.
25 That's the --

1 COMMISSIONER VOSS: I mean, as
2 45 acres and a barbed wire fence, like I said, a
3 barbed wire fence. Would that just fix it? He's not
4 moving anything.

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

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

13 CHAIRMAN EVANS: Right. So --

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

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

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

23 COMMISSIONER McLAREN: I agree
24 with Tim.

25 CHAIRMAN EVANS: Yeah, we can

1 work to say safety barrier. And again we could add
2 that as number eight with number seven being CUP would
3 cease to exist with the sale of the operation. I get
4 that that's -- I'm not sure how we do that with a
5 corporation.

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

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

11 CHAIRMAN EVANS: Okay.

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

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

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

24 COMMISSIONER McLAREN: Okay.

25 So what we -- I hope -- Mr. Barrett, do you understand

1 what we're trying to say here?

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

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

22 COMMISSIONER McLAREN: My
23 personal concern -- and I'm not going to say we. I'm
24 going to say my personal concern is I -- everything
25 I've heard you're going to be a great operator. But

1 if you sell it to a corp -- a corporation that owns 20
2 quarries, they may not be that same quality operator.

3 That's why I'm concerned.

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

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

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

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

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

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

25 Any discussion?

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

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

7 CHAIRMAN EVANS: I don't think
8 we can.

9 COMMISSIONER McLAREN: We can
10 still put it in there.

11 COMMISSIONER HAIRE: We put it
12 in there, and the issue is most corporations are sold
13 as an asset purchase, as a liability. So there's a
14 high percentage of chance this would be sold as an
15 asset purchase at some point and not as a stock sale.

16 Because you assume all liability in a
17 stock sale, so most people don't want to assume that
18 additional liability. So they buy it as an asset
19 purchase.

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

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

25 COMMISSIONER HAIRE: Exactly as

1 Scottie has it.

2 CHAIRMAN EVANS: Okay.

3 Scottie, read that again as you have it.

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

7 CHAIRMAN EVANS: Okay.

8 Again, any further discussion?

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

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

24 It wasn't there. There's some limited
25 files over there on traffic counts for electronically

1 and nothing was there.

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

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

9 COMMISSIONER McLAREN: Mr.
10 Chairman?

11 CHAIRMAN EVANS: Bill.

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

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

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

24 CHAIRMAN EVANS: Well, we have
25 the option, you know, of approving with conditions,

1 just denying it summarily, or tabling it.

2 The options we don't have a review
3 committee, if we would approve it, since it is a CUP,
4 it can be appealed to BOZA. That's where zoning goes
5 with the Commission. So we can approve it, and as
6 Scottie said, 90 days they would have to appeal it to
7 BOZA, who could change it.

8 But the options again would be the CUP is
9 either approve it, deny it, or table it. With the
10 CUP, we have listed conditions. So we would approve
11 it with. I don't know that we have grounds or any
12 evidence has been presented that we can deny it, and I
13 haven't heard any discussion that anybody thinks it
14 should be denied, because as I stated before, it's a
15 permitted use with conditions. So we have to come up
16 with a permit no matter what conditions.

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

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

1 Any further discussion?

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

5 CHAIRMAN EVANS: Scottie.

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

8 MS. EAGAN: It'll say:

9 "Any buildings used or
10 built in connection with this
11 CUP will need to be approved by
12 the Franklin County Building
13 Department for a commercial
14 building. All new and/or
15 existing entrances will need to
16 be examined by the Franklin County
17 Highway Department for a commercial
18 entrance. Planning and Zoning
19 shall receive documentation of
20 approval prior to issuance of
21 the CUP.

22 "Hours of operation shall be
23 Monday through Friday 8:00 a.m. to
24 5:00 p.m., and Saturday 8:00 a.m.
25 to 12:00 noon.

1 "Applicant must have all the
2 necessary licenses, permits and
3 certificates required to do
4 business in the county and state.
5 Planning and Zoning shall receive
6 documentation prior to issuance
7 of the CUP.

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

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

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

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

24 COMMISSIONER VOSS: Thank you.

25 CHAIRMAN EVANS: Any discussion

1 on those conditions?

2 (NONE)

3 Additions?

4 (NONE)

5 Subtractions?

6 COMMISSIONER WILLETTE: I have
7 a question.

8 CHAIRMAN EVANS: Debbie.

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

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

14 COMMISSIONER WILLETTE: I see,
15 okay. Thank you.

16 CHAIRMAN EVANS: Yes, Scottie
17 actually issues it.

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

22 CHAIRMAN EVANS: Yes, you can
23 make a motion.

24 COMMISSIONER REINHOLD: I make
25 a motion to move this to Unfinished Business with the

1 conditions that Nichole (sic) has set.

2 MS. EAGAN: I set.

3 CHAIRMAN EVANS: We have a
4 motion.

5 COMMISSIONER VOSS: I'll second
6 it.

7 CHAIRMAN EVANS: We have a
8 motion and a second to move File 1 with the added
9 conditions to Unfinished Business. All in favor
10 signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLETTE: Aye.

15 COMMISSIONER WILLIAMS: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER KLENKE: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER FRANKENBERG: Aye.

20 COMMISSIONER HARTMANN: Aye.

21 CHAIRMAN EVANS: Opposed?

22 (NONE)

23 All right. Moving back to Old -- to
24 Unfinished Business, we have File 190233.

25 Any further discussion?

1 COMMISSIONER HAIRE: My only
2 concern is since I was out there today, is I think
3 that road, Hoeman Road, is a potential safety issue.

4 So I'm just saying. I don't know how
5 many people went out there and drove it, but...

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

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

11 COMMISSIONER VOSS: It was bad?

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

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

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

22 COMMISSIONER VOSS: Got you.

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

25 COMMISSIONER VOSS: I was just

1 trying to say yesterday because it wasn't -- this
2 morning it was rough driving that.

3 COMMISSIONER HAIRE: Uh-huh.

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

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

13 (NONE)

14 If not, the Chair would entertain a
15 motion.

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

19 COMMISSIONER WILLETTE: I'll
20 second that.

21 CHAIRMAN EVANS: We have a
22 motion and a second to approve File 190233 with the
23 conditions, set of conditions.

24 All in favor signify by saying aye.

25 COMMISSIONER REINHOLD: Aye.

1 COMMISSIONER VOSS: Aye.
2 COMMISSIONER McLAREN: Aye.
3 COMMISSIONER WILLETTE: Aye.
4 COMMISSIONER WILLIAMS: Aye.
5 CHAIRMAN EVANS: Aye.
6 COMMISSIONER FRANKENBERG: Aye.
7 COMMISSIONER HARTMANN: Aye.
8 CHAIRMAN EVANS: Opposed?
9 COMMISSIONER HAIRE: Nay.
10 COMMISSIONER KLENKE: Nay.
11 CHAIRMAN EVANS: Scottie, will
12 you take a roll call vote, please.
13 And an yea vote will be to approve the
14 CUP, and a no vote will be to deny the CUP.
15 MS. EAGAN: Bill Evans?
16 CHAIRMAN EVANS: Yes.
17 MS. EAGAN: Dan Haire?
18 COMMISSIONER HAIRE: No.
19 MS. EAGAN: Mike Klenke?
20 COMMISSIONER KLENKE: No.
21 MS. EAGAN: Bill McLaren?
22 COMMISSIONER McLAREN: Yes.
23 MS. EAGAN: Tim Reinhold?
24 COMMISSIONER REINHOLD: Yes.
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Yes.

2 MS. EAGAN: Debbie Willette?

3 COMMISSIONER WILLETTE: Yes.

4 MS. EAGAN: Ron Williams?

5 COMMISSIONER WILLIAMS: Yes.

6 MS. EAGAN: Dennis Hartmann?

7 COMMISSIONER HARTMANN: Yes.

8 MS. EAGAN: And, Mark

9 Frankenberg?

10 COMMISSIONER FRANKENBERG: Yes.

11 MS. EAGAN: With 8 in favor and

12 2 opposed, it is approved.

13 CHAIRMAN EVANS: All right.

14 File 190233 is approved with conditions.

15 Preliminary Plats. We have none.

16 Planning and Zoning Commission Forum.

17 Anything we wish to discuss?

18 I'd like to welcome our new Commissioner

19 Mark Frankenberg representing St. Johns.

20 Anything else the Commissioner wish to

21 discuss?

22 If not, the Planning Director's Report.

23 MS. EAGAN: Today I received an

24 e-mail from Kyle Dubbert, who has turned in his

25 resignation for Union Township. So we're again short

1 another member. So if anybody knows anybody in Union
2 Township who would be interested, please let us know.

3 So far next month I know we have a
4 preliminary plat that will come before you. We were
5 notified by FEMA that there's some regulation changes
6 again that we're going to have to do with the map
7 changes they did.

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

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

22 So thank you for your patience, and,
23 Dennis, thank you for coming back after that meeting.

24 Other than that, I got nothing.

25 CHAIRMAN EVANS: Thank you.

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

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

7 COMMISSIONER McLAREN: Moved.

8 COMMISSIONER WILLIAMS: Second.

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLETTE: Aye.

13 COMMISSIONER WILLIAMS: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER KLENKE: Aye.

16 COMMISSIONER HAIRE: Aye.

17 COMMISSIONER FRANKENBERG: Aye.

18 COMMISSIONER HARTMANN: Aye.

19 CHAIRMAN EVANS: We're

20 adjourned.

21 (THEREUPON, THE PROCEEDINGS

22 CONCLUDED AT 9:10 P.M.)

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24

25

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

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand.

Patsy A. Mayberry



14
15 Patsy A. Mayberry, Court Reporter
16 Notary Public, State of Missouri

17 My Commission Expires:
18 August 26, 2022

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