

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 SECOND FLOOR COMMISSION CHAMBERS
4 400 EAST LOCUST STREET
5 UNION, MISSOURI 63084

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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING
11 DECEMBER 20, 2016
12 (Commencing at 7:00 p.m.)

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23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Midwest Litigation Services

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1 A P P E A R A N C E S
2 BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:
3 William Evans, Jr., Chairman
4 Timothy Reinhold, Commissioner
5 Stanley Voss, Commissioner
6 Bill McLaren, Commissioner
7 Ray Cunio, Commissioner
8 Ron Williams, Commissioner
9 Todd Boland, Commissioner
10 Dan Haire, Commissioner
11 Tom Tobben, Commissioner
12 Russell McCreary, Commissioner
13 PLANNING AND ZONING STAFF:
14 Ms. Scottie Eagan, Planning Director
15
16 LEGAL COUNSEL:
17 Mark Vincent, County Attorney
18 MIDWEST LITIGATION SERVICES:
19 By: Patsy A. Hertweck, C. R.
20 711 North Eleventh Street
21 St. Louis, Missouri 63101
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P R O C E E D I N G S

[DECEMBER 20, 2016]

CHAIRMAN EVANS: I'd like to go ahead and call to order the Tuesday, December 20th, meeting of the Franklin County Planning and Zoning Commission.

Scottie, will you please take roll.

MS. EAGAN: I can try. Bill Evans?

CHAIRMAN EVANS: Here.

MS. EAGAN: Jay Schulteheinrich?

COMMISSIONER SCHULTEHENRICH: [Not present.]

MS. EAGAN: Todd Boland?

COMMISSIONER BOLAND: Here.

MS. EAGAN: Tim Reinhold?

COMMISSIONER REINHOLD: Here.

MS. EAGAN: Ray Cunio?

COMMISSIONER CUNIO: Here.

MS. EAGAN: Tom Tobben?

COMMISSIONER TOBBEN: Here.

MS. EAGAN: Bill McLaren?

COMMISSIONER McLAREN: Here.

MS. EAGAN: Stan Voss?

COMMISSIONER VOSS: Here.

MS. EAGAN: Dan Haire?

COMMISSIONER HAIRE: Here.

1 MS. EAGAN: Russell McCreary?

2 COMMISSIONER McCREARY: Here.

3 MS. EAGAN: And, Ron Williams?

4 COMMISSIONER WILLIAMS: Here.

5 MS. EAGAN: Okay. We have a quorum.

6 CHAIRMAN EVANS: Thank you.

7 At this time, I'll give the Planning and Zoning
8 Commissioners the opportunity to declare any conflict,
9 communication or relationship they may have had that might
10 influence their ability to consider today's issues
11 impartially. No declarations.

12 Scottie, would you please give a presentation
13 of the meeting minutes and 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 action by
18 the Planning and Zoning Commission. These matters do not
19 involve public hearing. Other matters on the agenda require
20 public hearings under Missouri law. If a matter involves a
21 public hearing, all individuals who desire to testify will
22 be given an opportunity to do so.

23 At this time, I would like to place into the
24 record these Regulations as Exhibit A, the official Zoning
25 Map as Exhibit B, the official Master Plan as Exhibit C, and

1 the case file for each case as Exhibit D for all the cases
2 to be heard at this hearing.

3 [Thereupon, evidence was marked
4 for identification and presented for
5 the record as Planning and Zoning Exhibits
6 A, B, C, and D.]

7 All Old Business items on the agenda will be
8 dealt with first.

9 Once the Old Business issues have been taken
10 care of, each item of New Business will be opened.

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

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

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

21 It is possible for the Planning Commission to
22 decide to move a New Business issue to Old Business and vote
23 on it that same night.

24 At the conclusion of all questions, comments,
25 and discussion concerning each case, the Planning Commission

1 will proceed. Any final decision by the Planning Commission
2 concerning Conditional Use Permits may be appealed to the
3 Board of Zoning Adjustment any time within 90 days.

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

6 CHAIRMAN EVANS: Thank you.

7 All of the Commissioners should have received a
8 copy of the November 15th minutes. If there are no
9 additions or corrections, the Chair would entertain a motion
10 to approve.

11 COMMISSIONER McLAREN: Motion to
12 approve.

13 COMMISSIONER TOBBEN: I'll second
14 that.

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

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER CUNIO: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER McCREARY: Aye.

3 CHAIRMAN EVANS: Opposed? [None]

4 The minutes are approved.

5 Communications and Visitors Comments. Is there
6 anyone wishing to address the Commission? If not, we'll
7 move on to Old Business File 160212, Darlene Green.

8 Scottie, will you please give us the facts.
9 And there is no public comment accepted.

10 MS. EAGAN: This is File 160212.

11 The Applicant is Darlene Green.

12 The Applicant requests to rezone one parcel
13 from Residential Development to Commercial Activity Highway
14 Service.

15 The property is located on West Springfield
16 Road, approximately 3/4 miles west of Peacock Road, in
17 Central Township.

18 The Facts: The total area for the rezoning is
19 approximately 17 acres.

20 The zoning of this property is Residential
21 Development. The Applicant would like to rezone to
22 Commercial Activity Highway Service.

23 Commercial Activity Highway Service zoning
24 accommodates commercial uses that draw business primarily
25 along the major highways within the county.

1 The properties around the proposed site,
2 southeast of Springfield Road, are primarily zoned
3 Residential Development.

4 The properties across Springfield Road are
5 zoned Commercial Activity Highway Service.

6 This property is across the highway from the
7 city limits of St. Clair.

8 This property is surrounded primarily by
9 low-density residential land.

10 The property directly south of this parcel has
11 self-storage units.

12 There is a property north of this parcel that
13 has a commercial business which appears to be an office and
14 some sort of vehicle repair business.

15 This property has access to Springfield Road,
16 which is a county maintained road.

17 The Applicant is the current owner of the
18 property.

19 Staff Comments: The future land use map shows
20 this property as medium-density residential.

21 Rezoning are allowed in our regulations due to
22 the every-changing conditions that exist in the county and
23 elsewhere. According to Article 14, Section 321, any such
24 change must promote the health, safety, morals, comfort, and
25 general welfare of Franklin County by conserving and

1 protecting property and building values, by securing the
2 most economical use of land, and facilitating the adequate
3 provision of public improvements in accordance with the
4 master plan adopted by Franklin County.

5 The Review Committee Recommendation: The
6 Review Committee recommended approval of this rezoning from
7 Residential Development to Commercial Activity Highway
8 Service with 3 in favor and 0 opposed.

9 And I know at last month's meeting, there was a
10 lot of discussion about dedication along Springfield Road to
11 widen that road because it wasn't 30-foot of right-of-way.
12 Ms. Green did have a track adjustment come through the
13 office where that is a requirement where she is required to
14 dedicate 10 additional feet along that road.

15 CHAIRMAN EVANS: Thank you.

16 Any discussion?

17 I think there were a couple of us, more than
18 that, who drove down there, and it seems appropriate. There
19 are businesses in the adjacent area, and directly across the
20 road is St. Clair. And in St. Clair, Scottie, if I remember
21 right, it's zoned commercial

22 MS. EAGAN: I haven't looked at the
23 St. Clair zoning recently.

24 CHAIRMAN EVANS: But in looking at
25 the area, it would seem appropriate.

1 Any other questions, discussion?

2 And again, since this is a rezoning, this is a
3 recommendation to the Commission, who will hold a public
4 hearing.

5 If there is no further discussion, the Chair
6 would entertain a motion to approve to recommendation.

7 COMMISSIONER HAIRE: I move that we
8 recommend rezoning in File 160212.

9 COMMISSIONER McLAREN: Second.

10 CHAIRMAN EVANS: We have a motion and
11 a second to approve File 160212. All in favor signify by
12 saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN EVANS: Opposed? [None]

24 Motion is carried.

25 Old Business File 160220, Meramec Aggregates,

1 Inc.

2 Scottie, will you please give us the details.

3 MS. EAGAN: This is File 160220,

4 Meramec Aggregates.

5 The Applicant wishes to operate a commercial
6 mining, production and sales in the Non-Urban and
7 Agricultural zoning district.

8 The property is located at 102/109 River Cabin
9 Road, on the south side of the intersection of Mill Hill
10 Road and Cove Creek Road, in Calvey Township.

11 The Facts: The total acreage of the property
12 is approximately 54 acres in size.

13 The property is in the Non-Urban and
14 Agricultural zoning district. The extraction, quarrying or
15 mining of sand, gravel, topsoil or other material requires a
16 Conditional Use Permit in this zoning district.

17 This operation includes the mining, production
18 and sales of sand and gravel.

19 The area surrounding the property is primarily
20 low-density residential or undeveloped land.

21 Just across the river, Meramec Aggregates
22 applied for and received a Conditional Use Permit for mining
23 Meramec Sand and Gravel in March 2016.

24 All but the northeast corner of the property is
25 located within the floodplain.

1 A small portion of the property is located
2 within the floodway; however, it appears from the site plan
3 the operation is not located within the floodway.

4 The Applicant is not the current owner of the
5 property, but we do have a contract between the owner and
6 Meramec Aggregates to purchase the property.

7 Staff Comments: Because this property is in
8 the floodplain, the Applicant shall apply for and receive a
9 floodplain development permit and elevation certificate from
10 the Franklin County Planning and Zoning Department prior to
11 issuance of the Conditional Use Permit.

12 If any mining to be done is located within the
13 floodway, the Applicant shall obtain a No-Rise Certificate
14 from a Certified Engineer for regulatory Floodway.

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

18 The Applicant must comply with the Department
19 of Natural Resources Water Pollution Department and the Army
20 Corps of Engineers requirements and provide Planning and
21 Zoning with a 404 and a 401 permit, if required, prior to
22 issuing the Conditional Use Permit.

23 The Applicant's hours of operation shall be as
24 follows:

25 Monday through Friday, 7:30 a.m. to

1 3:30 p.m.

2 Saturdays up to 12 times only during
3 June, July and August.

4 The Applicant shall operate according to all
5 State and Federal regulations.

6 All conditions shall be completed within one
7 year of approval, unless otherwise stated. Failure to meet
8 all conditions may result in the application expiring.

9 All new and/or existing entrances onto Mill
10 Hill Road will need to be examined by the Franklin County
11 Highway Department for a commercial entrance. Planning and
12 Zoning shall receive a copy of the permit prior to the
13 Applicant commencing any activities on the property.

14 There shall be no retail sales at this
15 location.

16 Only Havin/Meramec Aggregates owned or operated
17 trucks shall be permitted to haul material from this
18 location.

19 There shall be no operation at this location
20 from December 1st through February 28th (or 29th in leap
21 years).

22 Review Committee Recommendation: The Review
23 Committee recommended approval of this Conditional Use
24 Permit to operate commercial mining and production with no
25 sales in the Non-Urban and Agricultural zoning district,

1 with 3 in favor and 0 opposed.

2 CHAIRMAN EVANS: Thank you.

3 Any discussion, questions

4 COMMISSIONER BOLAND: I got a couple
5 of things if you don't mind, Bill.

6 CHAIRMAN EVANS: No, go ahead.

7 COMMISSIONER BOLAND: I guess, Ron,
8 question to you so I understand. For the maintenance on
9 Highway TT, who pays that?

10 COMMISSIONER WILLIAMS: That's a
11 State maintained highway.

12 COMMISSIONER BOLAND: Okay. And then
13 Bethel Church Road?

14 COMMISSIONER WILLIAMS: That's ours.

15 COMMISSIONER BOLAND: That's yours,
16 okay.

17 Can I ask Ms. Havin to come up.

18 CHAIRMAN EVANS: For clarification,
19 yeah.

20 COMMISSIONER BOLAND: Yeah, or
21 somebody, who's ever with her about some questions I have.

22 CHAIRMAN EVANS: We can have only one
23 person up there at a time. Please state your name.

24 MR. KUENZEL: Steve Kuenzel. Do I
25 need to sign in for this kind of thing or not?

1 CHAIRMAN EVANS: Yes.

2 COMMISSIONER BOLAND: Steve, do you
3 know what she plans on selling from this site, I mean, just
4 gravel?

5 MR. KUENZEL: It would be topsoil and
6 then the gravel underneath it. I think there's two to three
7 feet of topsoil over the gravel --

8 COMMISSIONER BOLAND: Okay.

9 MR. KUENZEL: -- in parts. There
10 could be some where the gravel is at the surface, but there
11 is some topsoil out there.

12 COMMISSIONER BOLAND: Through the
13 staff, they said only her trucks. So then she's going to
14 have to load the topsoil on her trucks and then haul it over
15 to Highway -- to her other retail spot. I mean, she
16 couldn't sell the topsoil from this location?

17 COMMISSIONER HAIRE: As we have it
18 now, no.

19 COMMISSIONER BOLAND: Okay.

20 MR. KUENZEL: As I read number 9 of
21 the recommendations, she would not be allowed to do any kind
22 of retail sales, either topsoil or gravel at the site.

23 COMMISSIONER BOLAND: So if her
24 trucks are tied up doing something else, hauling someplace
25 else, I guess -- how -- what is she going to do at that

1 point, or if I pull up there with a truck? Can she sell me
2 a load of topsoil? I mean -- So I would have to go to...

3 CHAIRMAN EVANS: The way the
4 condition is stated, they would have to -- she could not
5 have any retail sales with the way the condition is.

6 COMMISSIONER BOLAND: Okay. How
7 would I know beforehand that I could not go to that site?

8 MR. KUENZEL: I don't know how you
9 could. I mean, I guess we could put a sign up at the site,
10 but by that time your truck's there. And you'd have to
11 figure out turning around and leaving. I mean, it's going
12 to make a lot of customers mad because how would you know?

13 COMMISSIONER BOLAND: And how are we
14 cutting down on the traffic then, if we're hauling a load
15 out of there to Highway 30, and then a truck has to go pick
16 up and load from Highway 30 as opposed to just hauling one
17 load out of there? I mean, we're not cutting down on any
18 traffic here in that area, I mean, on TT or Bethel. But we
19 may be cutting, but we're still causing a lot of traffic.
20 We're causing twice as much traffic over on Highway 30 then.

21 I mean, that's how I perceive this.

22 CHAIRMAN EVANS: Yeah. I think when
23 we came up with the condition, the idea was that it would
24 limit her to her trucks and her drivers because there was
25 some concern with the safety of the trucks, drivers who

1 aren't familiar with the area.

2 COMMISSIONER BOLAND: All right.

3 And at the last hearing, she mentioned that
4 there was going to be 70 trucks being estimated to make
5 round trips. Where'd that number come from? Is it
6 realistic, or is it...

7 MR. KUENZEL: I don't think it's
8 really realistic. She called down to Simpson Quarry in St.
9 Louis County and asked them how they computed, you know.
10 Now, they're selling limestone. They're not selling Meramec
11 gravel. And right at present, she would estimate based
12 upon, you know, the amount that she could excavate, that
13 probably she would run 25 trucks, hopes to get up to 50, but
14 she was afraid if she came in with a lower number, that
15 somebody would think she's misleading this group. So she
16 took the highest number that she could find, which was
17 Simpson. That was the quarry hauling the most, but of
18 course, they're in St. Louis County.

19 So if you're asking me, I think her numbers are
20 greatly exaggerated, but again, she didn't want to be
21 accused of telling you only ten trucks a day, and there ends
22 up being 25 right off the bat, and hopefully it would grow
23 to more.

24 COMMISSIONER BOLAND: Okay.

25 MR. KUENZEL: That was her estimate

1 of all trucks, not just her trucks but people who would come
2 in. And of course, to your question about, you know, her
3 trucks, if she's got a big job and she leases trucks from
4 another outfit, then the neighbors are going to be all bent
5 out of shape because even though they're leased to her and
6 it's her drivers running them, or drivers that she hires on
7 a weekly basis or whatever, you're going to be getting all
8 kinds of calls saying, hey, guess what? There was a Jones
9 truck going down the road or you know some other name on it
10 that --

11 COMMISSIONER BOLAND: Right.

12 MR. KUENZEL: -- that she's leased
13 which she's obviously able to do. Or if one of her trucks
14 breaks down, how do you do that without somebody complaining
15 that hey, you're only supposed to run your own trucks.
16 Well, it is her own truck. She's leasing it because her
17 truck's being worked on, and yet you're going to be getting
18 calls or Scottie's going to be getting calls saying all
19 there's somebody else's truck out there.

20 COMMISSIONER BOLAND: And then the
21 question I have I'd like to clarify is you would be closed
22 three months of the year, December 1 through February 28th.
23 Do you operate on Sunday?

24 MR. KUENZEL: No, we don't operate on
25 Sundays.

1 COMMISSIONER BOLAND: Do you operate
2 a half day on Saturday during June, July, and August?

3 MR. KUENZEL: Yeah. I mean, those
4 are our heavy months. Those are the heavy construction
5 months.

6 COMMISSIONER BOLAND: Right. And I
7 guess my question is, for the last three weeks, the way the
8 weather has been, she could have been operating in December
9 if need be and people had been pouring concrete.

10 MR. KUENZEL: Been pouring a lot of
11 concrete at the Bank of Washington in Washington the last
12 couple of weeks trying to get that job in before January 1.

13 But I mean, that's the restrictions that she's
14 being asked to follow. I think she explained at the public
15 hearing last time the weather dictates when those trucks can
16 be loaded and when they can run. And it's not just a day
17 here and a day there. If there was a stretch of a week of
18 warm weather, she could run.

19 COMMISSIONER BOLAND: Right.

20 MR. KUENZEL: But if it's just a day,
21 she can't.

22 COMMISSIONER BOLAND: Yeah, okay.

23 From the public hearing too, there seemed to be
24 concern about traffic on both Highway T and Bethel Church
25 Road. The first application was for Highway TT, but

1 apparently told the Review Committee she could live with
2 Bethel and [sic] Church Road.

3 What does she really want to live with, or what
4 is the best traffic choice? I mean, she's in the dump truck
5 business. I'm not.

6 MR. KUENZEL: Well, the best choice
7 when she first came in was to let trucks come from anywhere.
8 I mean, she can't control what road they use to get to her
9 site.

10 I -- my understanding is that she felt like, at
11 the Review Committee, if she didn't offer another site, it
12 might be an all-or-nothing proposition. Obviously, she's
13 trying to run a business, and if you've got to load and dump
14 and load and dump is at different locations, you know, it
15 drives up the cost of the gravel. I mean, there's no
16 question about that.

17 I mean, her preference is what she walked in
18 here with the first night with the application, which is she
19 would like to sell at that location. She would like to --
20 and when we talk about a mining operation, it's scooping the
21 gravel up and separating the sand from the gravel. We're
22 not talking about some big plant out there. It's a
23 separation, a sieving separation or a water separation. Her
24 desire is to do there because she can do it a lot more
25 efficiently, which allows her to be a lot more competitive

1 when it comes to selling the gravel, which benefits
2 everybody in the county, not just here.

3 Clearly what she'd like to do -- I mean, if you
4 want gravel, gravel comes from the river. And her desire is
5 to operate at that location. The trucks -- she doesn't know
6 how to tell people you can only use Bethel Church Road and
7 you can't use Highway TT.

8 COMMISSIONER BOLAND: Well, I pay
9 taxes on those roads. Why would she tell me?

10 MR. KUENZEL: Well, that's -- I mean,
11 if you're asking for her first choice, her first choice is
12 clearly to simply operate at that location and not have
13 restrictions that she can't sell -- actually 9, 10 and 11
14 are all problematic to her.

15 The weather will dictate when she cannot
16 operate. There is no doubt about that. But in terms of no
17 retail sales, to dump the dirt into a dump truck, haul it
18 and dump it someplace else, and then reload it to somebody's
19 truck that comes to a different location, I mean, she's run
20 a good business in this county for 80 years, her family has.
21 And she'd like to continue to run that.

22 But let's face it. You can only get gravel out
23 of the river, or close to it. I shouldn't say out of it,
24 but close it.

25 COMMISSIONER BOLAND: Right. Okay.

1 I guess if came down to widening or helping out on the road
2 safety there for her entrance, I guess she would step up to
3 the plate on that or something?

4 MR. KUENZEL: You know, if we have to
5 make it happen, to be able to operate, you know, freely down
6 there, yeah, she would.

7 COMMISSIONER BOLAND: Okay.

8 MR. KUENZEL: I mean, as I understand
9 it, it's a real concern is that crest, the one crest on Mill
10 Hill when you leave her plant, before you get to TT or
11 Bethel Church Road, that I think was the primary concern in
12 terms of a school bus and a truck getting by. Although it's
13 a regulation state highway, so I mean, they should be, but I
14 think there is a concern as to, you know, the fact that it's
15 a crest of a hill.

16 COMMISSIONER BOLAND: Right.

17 COMMISSIONER McLAREN: Bill?

18 CHAIRMAN EVANS: Bill.

19 COMMISSIONER McLAREN: Can I ask a
20 couple of questions?

21 CHAIRMAN EVANS: Sure.

22 COMMISSIONER McLAREN: I guess the
23 first one would be to the Highway Department. Are there any
24 substandard box culverts or bridges on any of the these
25 routes?

1 COMMISSIONER WILLIAMS: You mean by
2 substandard that don't meet the requirements?

3 COMMISSIONER McLAREN: Yeah, won't
4 meet the requirements.

5 COMMISSIONER WILLIAMS: No.

6 COMMISSIONER McLAREN: Okay. What
7 you sent to us electronically and in the packet, is that
8 subject to something we can discuss right now we can ask the
9 Applicant about?

10 MS. EAGAN: For clarification.

11 COMMISSIONER McLAREN: Well, one of
12 these -- on one of these and I had a little bit -- I looked
13 at it electronically first, but I do have a question for
14 clarification on here, and I'm confused and I don't know
15 that you can answer this one.

16 But the Jeffries mine is starting and in
17 operation now. Is it going to finish at the current plant;
18 there one be any gravel coming from the Jeffries plant strip
19 area to this plant; it would all go to old plant; is that
20 correct?

21 MR. KUENZEL: We would like to run it
22 to this location, but if you tell us that we have to farm
23 out the other one, if you call it that, I mean, we would
24 obviously do it.

25 COMMISSIONER McLAREN: What's the

1 timeframe here as far as the process? I mean, it would
2 cause some problems. I would think it would be most
3 appropriate to finish at the location that we approved
4 already that process versus -- I think that's a legitimate
5 question that the Jeffries wouldn't come here.

6 MR. KUENZEL: The only thing that you
7 would do there is you would prevent us from being able to
8 sell topsoil now. I mean, we'd like to obviously start
9 selling the topsoil because we need to get down that.

10 COMMISSIONER McLAREN: No, I'm not --
11 that's not my question.

12 MR. KUENZEL: Okay.

13 COMMISSIONER McLAREN: I don't
14 believe there's any topsoil involved in stripping at the
15 Jeffries site right now.

16 MR. KUENZEL: That is correct.

17 COMMISSIONER McLAREN: That material
18 is going to the existing plant on Highway 30?

19 MR. KUENZEL: It is.

20 COMMISSIONER McLAREN: So I'm asking
21 if the Jeffries site would be finished going to Highway 30.

22 MR. KUENZEL: Our preference would
23 be, if this one is granted, to run it out here of the
24 because we're going to put a new plant. In other words,
25 we've got an old plant there. They make a new efficiently

1 and, you know, more environmentally friendly if you will and
2 stuff like that. That's really what we'd like to put in
3 place here.

4 But if you tell us as a condition of this that
5 we have to mine out the other one first, then that's what
6 we'll have to do.

7 COMMISSIONER McLAREN: Okay.

8 COMMISSIONER BOLAND: Let me clarify
9 and make sure I understand what you're asking, Bill. So the
10 one on Highway 30, are you wanting them to...

11 COMMISSIONER McLAREN: Well, there is
12 another site right across the river from this that we
13 approved four months ago.

14 COMMISSIONER McCREARY: May, March.

15 COMMISSIONER McLAREN: I think they
16 just started pulling material out of, and I'm asking them if
17 that material is going to go -- be -- time-wise if that
18 material is going to be going to the existing Highway 30
19 plant and being finished there versus being trucked all the
20 way around to here and being trucked out the second time.

21 MR. KUENZEL: Bill, just to clarify.
22 Lyn told me that she's more than willing to finish out the
23 Jeffries at the current location.

24 COMMISSIONER McLAREN: Okay. I
25 thought that -- out of this whole packet, I thought that was

1 a pretty legitimate question.

2 MR. KUENZEL: Yeah, I'm sorry. I -- I
3 never asked her that one before, and I knew she was going to
4 try to get a new plant in place. But she said she'll finish
5 that out there.

6 COMMISSIONER McLAREN: Okay. I'm
7 just -- I'm curious and this is going to be a more
8 long-winded convoluted question.

9 MR. KUENZEL: Can I give a lawyer
10 long-winded convoluted answer?

11 COUNTY ATTORNEY VINCENT: Use the
12 microphone if it's going to be that long and convoluted.

13 COMMISSIONER McLAREN: When material
14 is sold, how much of it goes to the county for -- or for the
15 state or for the city of O'Fallon? We talked about O'Fallon
16 last time. How much of it goes to a municipality that
17 there's no taxes on, that there's no chance to recover any
18 taxes for Franklin County, and how is taxes collected on
19 concrete, the material that goes to the concrete plant? Is
20 that per -- per yard concrete produced and there's X amount
21 credited towards the -- the gravel, or how is that? I don't
22 know if I'm asking this question right or not.

23 MR. KUENZEL: Let me -- sure.

24 MS. HAVIN: Okay.

25 MR. KUENZEL: I'm trying to see if I

1 have your tax numbers here, but -- there's that if that
2 helps you.

3 MS. HAVIN: Okay. Certainly.

4 CHAIRMAN EVANS: Lyn, you'll have to
5 state your name and sign in, please.

6 MS. HAVIN: I'm sorry. Okay.

7 CHAIRMAN EVANS: It's very difficult
8 for the court reporter.

9 MS. HAVIN: Lyn Havin.

10 Okay. We do sell a lot to landfills. We sell
11 it to the county. We sell pea gravel to the County. We
12 sell a lot of it to drain field rock also. The sand and the
13 sea gravel are what goes in the concrete, and as of, I
14 believe it was, June of this year, they -- the State had
15 mandated that they want total yard of concrete to be charged
16 sales tax on. So therefore, the material and the haul will
17 not be split up. It will be the total yard of concrete that
18 the sales tax will be charged on.

19 Does that answer your question, Bill? No.

20 COMMISSIONER McLAREN: No, and I'm
21 aware of why I got that letter in the mail.

22 MS. HAVIN: Okay. Okay.

23 COMMISSIONER McLAREN: I know what
24 you're talking about there.

25 MS. HAVIN: Okay.

1 COMMISSIONER McLAREN: But if a yard
2 of concrete has a ton of sand in it, does -- do you -- and I
3 guess inside of your business. I don't know if it's a fair
4 question to ask or not.

5 Let's say you're selling the sand to somebody
6 else and you're charging taxes on that --

7 MS. HAVIN: Yes.

8 COMMISSIONER McLAREN: -- that load
9 of sand.

10 MS. HAVIN: We are.

11 COMMISSIONER McLAREN: How much of
12 the material that leaves the site is actually taxable versus
13 how much is going to the municipality? I mean, somebody is
14 paying taxes on drain field gravel.

15 MS. HAVIN: Yes.

16 COMMISSIONER McLAREN: Somebody is
17 paying taxes on landfill leachate gravel.

18 MS. HAVIN: Yes, right.

19 COMMISSIONER McLAREN: How much of it
20 goes to an entity that's not taxable, to the county or to a
21 municipality or to a State Highway Department or those kinds
22 of things?

23 MS. HAVIN: I'm going to say probably
24 75 percent would be taxable.

25 COMMISSIONER McLAREN: Okay.

1 MS. HAVIN: Plus we have, in your
2 packet you should have the diesel fuel taxes. We prepared a
3 statement for that of how much money we'd be paying to the
4 County and State for diesel fuel tax on the road.

5 COMMISSIONER McLAREN: Okay. So --
6 and so it would be taxable based on the cost of sand is more
7 expensive than pea gravel or something like that?

8 MS. HAVIN: Yes.

9 COMMISSIONER McLAREN: Depending on
10 the yield is dependent on the taxes that's going to be?

11 MS. HAVIN: Right.

12 COMMISSIONER McLAREN: All right.

13 MS. HAVIN: We estimated -- we
14 estimated for just our trucks alone, and that is considered
15 if I used four trucks, would be \$41,487 a year in just the
16 diesel and the off-road tax that would be paid. And that's
17 just our trucks. That doesn't count anybody, any other
18 customers that would come in.

19 COMMISSIONER McLAREN: Okay, thank
20 you.

21 MS. HAVIN: You're welcome.

22 CHAIRMAN EVANS: Anyone else have any
23 questions? Further discussion? [None]

24 Let's say what the Review Committee met that
25 the logic for the moving the having no retail sales is that

1 Ms. Havin offered that and because one of our big concerns
2 was a safety issue with the drivers that weren't familiar
3 with the area and also that keeping off of Highway T, which
4 is more populated and more traffic.

5 Dan or Ron, do you have anything you want to
6 add to that?

7 COMMISSIONER WILLIAMS: I'll talk so
8 you can get my cold.

9 Actually the idea of the hours of operation for
10 Saturday in June, July and August only were actually offered
11 up by Havin. The idea being that that would be their prime
12 production months of the year. For limiting it in December,
13 January and February, the comment was made at the Review
14 Committee that, after the freeze, there were probably none.
15 And it made sense for those three months that they wouldn't
16 be able to operate.

17 COMMISSIONER BOLAND: And I agree
18 with you somewhat, but just like now, I mean, you know, it's
19 just been extremely warm, but this is December. And so we
20 just shut somebody down for three weeks where they could
21 have been operating.

22 CHAIRMAN EVANS: Once they shut down,
23 they stay shut down.

24 COMMISSIONER BOLAND: Can I ask her
25 that?

1 CHAIRMAN EVANS: Yep. That's what
2 was stated --

3 COMMISSIONER HAIRE: Yeah.

4 CHAIRMAN EVANS: -- at the Review
5 Committee.

6 COMMISSIONER BOLAND: If you shut
7 down because it freezes and you see that it's going to be
8 for the next ten days that it's going to 45 degrees and you
9 had some phone calls, would you open up again and then shut
10 down again?

11 MS. HAVIN: We would like to if we
12 have, you know, a week or two span. Absolutely. If it's
13 just a day here and a day there, it's not worth it.

14 COMMISSIONER BOLAND: Right.

15 MS. HAVIN: No.

16 COMMISSIONER BOLAND: Right.

17 COMMISSIONER McLAREN: Can I
18 interrupt?

19 COMMISSIONER BOLAND: Go ahead.

20 COMMISSIONER McLAREN: Are we
21 confusing here the operating a gravel plant, and I'm not a
22 gravel plant operator, but operating a plant is different
23 than loading it out of the stockpile too. So I mean, if --
24 if it's been -- not quarried. But if it's been mined and
25 run through the screening plant and then it's stockpiled,

1 are we telling here they can't load the stockpile? I don't
2 understand. Are we saying you can't -- you can't load out
3 of the stockpile, or are we just saying once it gets cold,
4 that you can't run the plant when it's -- yesterday you
5 couldn't run the plant. Whatever is stockpiled, you can
6 still load out of the stockpile. Still Limited.

7 COMMISSIONER BOLAND: So if it's
8 above freezing, you know, I mean, should we have something
9 more so as temperature-wise or something? I mean, just to
10 shut her down for -- anybody for three weeks when the
11 weather is awful good, I think is pretty tough.

12 COMMISSIONER WILLIAMS: Can I ask
13 why would there be material stockpiled if it's all going
14 down to the other plant, being loaded up and taken out?

15 COUNTY ATTORNEY VINCENT: Ron, I
16 can't hear you. People back there want to hear you guys.

17 COMMISSIONER HAIRE: What I was going
18 to say --

19 COUNTY ATTORNEY VINCENT: We can't
20 hear you guys.

21 COMMISSIONER WILLIAMS: Got it.

22 COUNTY ATTORNEY VINCENT: Okay.

23 COMMISSIONER WILLIAMS: The question
24 why would there be a stockpile? It's supposed to be loaded
25 out and taken down to the Highway 30 location?

1 COMMISSIONER BOLAND: Well, do we
2 agree upon that yet?

3 COMMISSIONER WILLIAMS: There's no
4 retail sales there. I would --

5 COMMISSIONER BOLAND: We still --
6 that was a recommendation, but that still hasn't been voted
7 on.

8 COMMISSIONER WILLIAMS: I understand.

9 COMMISSIONER BOLAND: But so there
10 would still be a stockpile on Highway 30 then?

11 COMMISSIONER WILLIAMS: Yes.

12 COMMISSIONER BOLAND: So either
13 location there would be a stockpile as Bill was saying?

14 COMMISSIONER McLAREN: Well, I'm
15 going to be argumentative. I don't know -- I don't
16 understand. I thought they were shutting the Highway 30
17 facility. So I assumed it would be going to their -- one of
18 their sand and -- or one of their cement plants, that it
19 wouldn't be going to Highway 30. That would be -- because
20 then it's getting loaded a third time and transported again.

21 So you know, we haven't really given her a
22 route that's not to get them to that without a lot of
23 problems, I think. But -- and I don't want to answer your
24 question, but I'm -- we're having a conversation up here.
25 But hopefully, you know, if they're producing, you know,

1 300, 400, 500 yards of material actually, they're probably
2 going to be producing about 800 yards of material a day when
3 they're running. They're going to produce more material out
4 of the plant if the plant's run right and there's good rock
5 than they are going to haul out in a day. So they -- you
6 know, it's not at the end of the day there is no piles
7 there. That just doesn't -- and sometimes you're going to
8 have more of one kind of material and so there's going to be
9 stockpiles. I think, isn't there?

10 MS. HAVIN: Definitely.

11 COMMISSIONER BOLAND: Just like right
12 now, the it stockpile we have -- she may have a stockpile of
13 topsoil, you know. So...

14 MS. HAVIN: Right. No, there will be
15 stockpiles.

16 COMMISSIONER BOLAND: Right, there
17 will be stockpiles.

18 CHAIRMAN EVANS: And I believe we
19 came up with the December, January, February because Ms.
20 Havin said that once it gets below freezing for any length
21 of time, that then it's not restarted.

22 So if you have one or two days, she restarts,
23 but any length of time, they shut it down, they don't bother
24 even if it's going to get above freezing for a day or two.

25 COMMISSIONER CUNIO: Bill, I got a question.

1 Why are we trying to limit this? Why don't we
2 leave it to the discretion of Ms. Havin to operate when she
3 wants to. It's her discretion. Nobody can forecast whether
4 it's going to freeze or not. Nobody can forecast whether
5 we're going to have a mild January where we might have two
6 weeks above freezing. So why are we trying to accomplish by
7 putting in the...

8 COMMISSIONER BOLAND: That we're
9 going to close her December, January and --

10 COMMISSIONER CUNIO: Yeah, December
11 1st to through February?

12 COMMISSIONER BOLAND: December,
13 January and February.

14 COMMISSIONER CUNIO: Right.

15 COMMISSIONER BOLAND: So we shut her
16 down for three months. I don't understand that either, Ray.

17 COMMISSIONER CUNIO: Well, just
18 because she made the comment you typically shut down at the
19 first freeze, doesn't mean that you don't restart at
20 sometime --

21 MS. HAVIN: Correct.

22 COMMISSIONER CUNIO: -- during the
23 winter, right?

24 MS. HAVIN: If the weather's nice.
25 If it warms up, right.

1 COMMISSIONER CUNIO: Of course.

2 MS. HAVIN: Right.

3 COMMISSIONER CUNIO: Of course, yeah.

4 So my question about Item Number 11 is it
5 really applicable here? Are we accomplishing anything for
6 the County, or was that...

7 CHAIRMAN EVANS: Well, it's a
8 recommendation. Whether it's applicable, the Commission
9 will decide.

10 COMMISSIONER CUNIO: Well, that's
11 what I was wondering, yeah. Right.

12 CHAIRMAN EVANS: It was based on a
13 conversation about --

14 COMMISSIONER CUNIO: I understand.

15 CHAIRMAN EVANS: -- closing down when
16 it got cold.

17 COMMISSIONER CUNIO: Yeah.

18 CHAIRMAN EVANS: So it was a talking
19 point that --

20 COMMISSIONER CUNIO: No, and I
21 understand the Review Committee took Ms. Havin at her word,
22 but I think maybe there's a little confusion here, and you
23 would be willing to operate if you could operate in those
24 off months?

25 MS. HAVIN: Absolutely. But if we

1 were asked not to, we would not.

2 COMMISSIONER CUNIO: Well, of course.
3 That's what I'm trying to get to, what the rationale is for
4 us asking you not to operate, and I don't know what that is.

5 COMMISSIONER WILLIAMS: I got it. It
6 all boils down I think at the Review Committee the trucks,
7 the amount of trucks that will be traveling to and from the
8 site, possibly for 12 months out of the year. So we --

9 COMMISSIONER BOLAND: But I think the
10 truck situation, we started with the trucks being 70 trucks,
11 and I think she misspoke on the 70 trucks because she was
12 pulling something out of St. Louis. And things happened,
13 and we have to back up and readjust. So...

14 COMMISSIONER WILLIAMS: But I
15 don't --

16 COMMISSIONER BOLAND: But still the
17 trucks -- so we just shut her down for three months for the
18 trucking? So then, you know, come the first of March, are
19 you going to have twice as many trucks because they didn't
20 get in there in February for three weeks?

21 COMMISSIONER McLAREN: Well, that
22 seems to be like the biggest impact that she's going to get
23 X amount of material hopefully out of there a year. And it
24 would seem to me like that there would the least amount of
25 impact in the winter for other things that happen along the

1 river than there is in the summer.

2 CHAIRMAN EVANS: Ron, you still got
3 the floor.

4 COMMISSIONER WILLIAMS: I lost it.
5 Sorry.

6 MS. EAGAN: Bill, can I say
7 something.

8 Our Review Committee part of the reason why 9,
9 10 and 11 came because the Review Committee was -- they were
10 looking at all the concerns of the residences, the safety,
11 the school buses, that crest, two -- a truck and a school
12 bus passing. It was stated at Review Committee that, once
13 it freezes, the plant shuts down. It does not reopen. That
14 was stated.

15 So the thought of Review Committee -- you guys
16 can correct me if I'm wrong -- was that, if they shut down
17 in December, January and February, that's at least three
18 months out of the year that probably is the most dangerous
19 month out of the year that these trucks and school buses
20 will not be passing on these roads. And that's a big reason
21 of why they came up with these conditions, is the safety of
22 the residents out there, the kids on the school bus and
23 everybody.

24 COMMISSIONER BOLAND: And I agree
25 with that, but at the same time, obviously if it's freezing,

1 she is shut down and we're not going to have to worry about
2 the traffic. But if the weather has been as good as it has
3 been, you know, I don't think we ought to put that
4 stipulation on her to quote them.

5 MS. EAGAN: Yeah, I think they were
6 just trying to find a compromise between both sides.

7 COMMISSIONER BOLAND: Yeah.

8 CHAIRMAN EVANS: Yeah, because I
9 think at the Review Committee -- and correct me if I'm
10 wrong -- that safety was the major issue. Obviously wear
11 and tear on the roads, which one of us very interested in.

12 COMMISSIONER HAIRE: Yeah, that's me.

13 CHAIRMAN EVANS: But I think safety
14 was the overriding issue to come up with these conditions.
15 And again, recommendation. The Commission has the
16 opportunity to change recommendations to the conditions to
17 what they see fit.

18 COMMISSIONER VOSS: I have one
19 question. On 11 it says there shall be no operation at this
20 location from December to February 28. Does that mean she
21 cannot come and go from this site with trucks at all, or
22 does that mean her dredging is not in operation?

23 CHAIRMAN EVANS: Yeah, I actually had
24 that circled too because the way the condition is written
25 there, it would be no operation at all, which to my way of

1 thinking would be hauling also.

2 COMMISSIONER VOSS: You would think
3 that would be the time she would be busy moving material
4 that she had stockpiled if she did.

5 CHAIRMAN EVANS: Right. Right. No,
6 I agree. The way it's worded right now, there would be no
7 operation, which would mean no dredging, no trucks, no
8 anything.

9 Any other discussion?

10 COMMISSIONER HAIRE: You know, I
11 think the major concerns, at least what I had, was if we can
12 minimize truck traffic and rout it to the places where there
13 was a heavier -- roads were more conducive to it we can make
14 some of the potential safety issues. Like Scottie was
15 saying, in the wintertime when it's most. In the
16 summertime, there's no school buses, so they can increase
17 their activity. So what we're trying to do is find some
18 times we can reduce the number of trucks in the road and the
19 trucks during the conditions where it might be most
20 hazardous to the community.

21 CHAIRMAN EVANS: Yeah. Not to be
22 redundant, but what Dan was saying basically was a safety
23 issue, and though it's not ideal for the Applicant, but also
24 looking at the residents, it's not everything they want, but
25 trying to come up with a workable solution was our intent.

1 COMMISSIONER REINHOLD: I've got a
2 question.

3 Is there any way to put, instead of having
4 there no operation through December 1st through
5 February 28th, could we put -- limit their operation between
6 December 1st and February 28th when weather is not
7 prohibitive or something like that?

8 COMMISSIONER HAIRE: How do you
9 enforce that though? That's the point that is an
10 unenforceable item. Then we go back to, you know, if we're
11 going to put conditions on them we're really not going to
12 enforce or be able to enforce, then why is that a condition?

13 CHAIRMAN EVANS: That is the one
14 issue we had other things that we had talked about as far as
15 restrictions, and it was pointed out you can put any
16 conditions you want on there, but how would you enforce
17 them.

18 COMMISSIONER REINHOLD: I would just
19 think the owner of that would have the cost of these trucks
20 and insurance, that they wouldn't run the trucks if the
21 weather was bad. I mean, we don't. I know we're in
22 business too. We're always concerned about bad weather and
23 stuff. I don't think she's going to be running the trucks
24 if the weather is bad and icy or snow or anything like that.
25 Of if they're going to operate when it's really cold weather

1 on your equipment. I think we have to leave that to her
2 discretion I think.

3 CHAIRMAN EVANS: Okay. Any other
4 questions, discussion?

5 COMMISSIONER McLAREN: Can I ask one
6 more of Lyn, please?

7 CHAIRMAN EVANS: Sure.

8 COMMISSIONER BOLAND: Bill? Mike?

9 COMMISSIONER McLAREN: I'm trying to
10 go back through the minutes from last month, and I feel very
11 confident it's in here, but I can't find it.

12 How many years worth of operation is -- if you
13 get the permit to operate this, how many years of operation
14 is there here?

15 MS. HAVIN: At the Bruns site, we're
16 estimating 30.

17 COMMISSIONER McLAREN: Okay.

18 CHAIRMAN EVANS: It is in there, I
19 think, 20 or 30 was what was stated before.

20 COMMISSIONER McLAREN: I thought it
21 was more than that. Maybe I was added that to my age.

22 COUNTY ATTORNEY VINCENT: A hundred
23 and ten?

24 CHAIRMAN EVANS: That's a big number.

25 Any other questions, discussion?

1 Well, if we move through these conditions, I
2 think the staff comments one, two, three, four, five, six,
3 seven, eight, or I don't think there was really any
4 discussion on those. Most of the discussion seems to be on
5 9, 10 and 11.

6 Number 9, there should be no retail sales at
7 this location.

8 COMMISSIONER BOLAND: You want to a
9 motion, Bill?

10 CHAIRMAN EVANS: No, I was looking
11 for discussion first to see if anyone wants to change that,
12 you know.

13 COMMISSIONER BOLAND: Well, why don't
14 I just make a motion.

15 CHAIRMAN EVANS: You may make a
16 motion.

17 COMMISSIONER BOLAND: I'll make a
18 motion that File 16022 --

19 CHAIRMAN EVANS: First we need to --
20 I'm sorry, Todd. Before we need a motion, we need to get
21 the conditions.

22 COMMISSIONER BOLAND: That's what I'm
23 doing. For the conditions here?

24 CHAIRMAN EVANS: Right.

25 COMMISSIONER BOLAND: And that's what

1 I'm doing with my motion.

2 CHAIRMAN EVANS: Okay. Are you going
3 to leave those conditions as is?

4 COMMISSIONER BOLAND: Without the
5 recommendations of 9, 10 and 11.

6 CHAIRMAN EVANS: Okay. You're just
7 going to leave those out?

8 COMMISSIONER BOLAND: Correct.

9 CHAIRMAN EVANS: Okay. Yeah, you can
10 make a motion.

11 COMMISSIONER REINHOLD: And I'll
12 second that.

13 MS. EAGAN: Is the motion to approve?

14 COMMISSIONER BOLAND: The motion is
15 approve, yes, without the recommend of 9, 10 and 11.

16 CHAIRMAN EVANS: Okay. We have a
17 motion and a second to approve File 160220 with conditions 1
18 through 8. All in favor signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: No.

22 COMMISSIONER CUNIO: Aye.

23 COMMISSIONER WILLIAMS: No.

24 CHAIRMAN EVANS: No.

25 COMMISSIONER BOLAND: Aye.

1 COMMISSIONER HAIRE: No.
2 COMMISSIONER TOBBEN: Aye.
3 COMMISSIONER McCREARY: No.
4 CHAIRMAN EVANS: Opposed?
5 COMMISSIONER McLAREN: Nay.
6 COMMISSIONER WILLIAMS: Nay.
7 CHAIRMAN EVANS: Nay.
8 COMMISSIONER HAIRE: Nay.
9 COMMISSIONER McCREARY: Nay.
10 MS. EAGAN: Let me do a roll call.
11 CHAIRMAN EVANS: I think we need a
12 voice vote here. I mean a roll call vote.
13 MS. EAGAN: Bill Evans?
14 CHAIRMAN EVANS: No.
15 MS. EAGAN: Todd Boland?
16 COMMISSIONER BOLAND: Yes.
17 MS. EAGAN: Tim Reinhold?
18 COMMISSIONER REINHOLD: Yes.
19 MS. EAGAN: Ray Cunio?
20 COMMISSIONER CUNIO: Yes.
21 MS. EAGAN: Tom Tobben?
22 COMMISSIONER TOBBEN: Yes.
23 MS. EAGAN: Bill McLaren?
24 COMMISSIONER McLAREN: No.
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Yes.

2 MS. EAGAN: Dan Haire?

3 COMMISSIONER HAIRE: No.

4 MS. EAGAN: Russell McCreary?

5 COMMISSIONER McCREARY: No.

6 MS. EAGAN: Ron Williams?

7 COMMISSIONER WILLIAMS: No.

8 CHAIRMAN EVANS: Should be --

9 MS. EAGAN: It's tied.

10 CHAIRMAN EVANS: -- tie vote. So no

11 majority. So the motion is not carried.

12 So any further discussion?

13 COMMISSIONER McLAREN: You know, I

14 would -- I'm hung up on 11 with what operation means.

15 That's where I'm hung up with 11 on what operation means,

16 and I know that you -- your motion of was to dismiss 11. I

17 would -- I would like to better define what we're talking

18 about what operation means in order to -- and I know your

19 motion that we're tied here, but I don't know if I want to

20 say this is a very difficult thing. I mean, we're impacting

21 a lot of people here for 30 years, but we're also going --

22 if we do this, we're giving them the ability that where they

23 got 30 years worth of not having to come back and Mother May

24 I us -- us all the time. I think we have to weigh the

25 ability of those people ability to mine the gravel, do a

1 good job of it, and make a profit. I mean, that's what we
2 have to do is let them make a profit and we have to weigh
3 that against the residents against here that we're
4 affecting.

5 I would like to amend -- well, I can't amend
6 your motion. I don't know where to go here. I'm
7 uncomfortable with Number 11. I would like to be able to
8 let them load out of the stockpiles as they exist, but maybe
9 not mine during the bad weather.

10 COMMISSIONER BOLAND: I'm fine with
11 that. You know, but I was just trying to figure out how to
12 word that myself. I agree with you there, sure. I don't
13 have a problem with that at all, Bill.

14 COMMISSIONER McLAREN: So that's my
15 discussion. That's where I'm hung up at, the -- what we're
16 defining here as 11.

17 COMMISSIONER HAIRE: Yeah, I mean, I
18 would agree that there is some adjustment on 11. I wouldn't
19 have a problem with that. My concern though is on Number 9
20 in retail, because one of the main concerns we were trying
21 to do is restrict unfamiliar trucks and the number of trucks
22 going to that one location. That's -- that's potentially, I
23 think, the greatest part of the safety issues at hand.
24 So...

25 COMMISSIONER BOLAND: And I agree,

1 but you're doubling the cost of handling the material.

2 COMMISSIONER HAIRE: I understand.

3 That's where we have -- because you know, my biggest concern
4 still is not the operation itself, but they'll provide a
5 safe environment for the people around there especially as
6 this is for 30 years, like you were saying.

7 COMMISSIONER McCREARY: The whole
8 idea of Number 11 isn't to stop the dredge from operating
9 during those months. It's to keep the trucks off the road
10 during the months where there could be inclement weather
11 conditions; therefore, reducing the hazard to the
12 neighborhood and general public, and it's not whether the
13 dredge moves or not.

14 COMMISSIONER McLAREN: I understand
15 that too, but you're also during the summer months, you have
16 boaters coming down there to use the boat ramp on River
17 Round. You've got --

18 COMMISSIONER McCREARY: Right, right.

19 COMMISSIONER McLAREN: You've got
20 tourists coming to be at the river. You've got, you know,
21 all the same things, and you know --

22 COMMISSIONER McCREARY: Well, the
23 same things as opposed to black ice.

24 COMMISSIONER McLAREN: If you're
25 going to, you know...

1 dredge is not running, the trucks aren't running, it's not
2 costing any money either. So...

3 COMMISSIONER BOLAND: It's still
4 costing money if you want to get technical. It's all
5 sitting there.

6 COMMISSIONER McCREARY: Well, it's
7 costing some money but not as much. And the thing is like I
8 said, if we're not concerned with -- I think the whole idea
9 was to keep the trucks off the road during school year,
10 things like that, to lessen the hazards for the community
11 around it. And if that's -- you know, if she agreed to it,
12 I'm going like okay. She knows her business. We don't.

13 Question it. That's fine. That's what we're
14 here for, but then again, like I said, you look at it this
15 way, why doesn't she run 9 o'clock at night? It's still
16 light and the weather's nice. She could stockpile it
17 someplace else. You know, if you know you're going to have
18 to shut down for three months, would you stockpile it at a
19 place where you can't get to it, or would you move it
20 knowing you're going to move it anyways, or would you move
21 to someplace else where you can get during those three
22 months?

23 I don't know. I'm just saying that these
24 conditions --

25 CHAIRMAN EVANS: Yeah, Number 11 was

1 actually put in there when it was -- when we were told that
2 once the weather gets cold, the plant is shut down, that it
3 remains down for the winter. So we took it from there to
4 come up with the December through February.

5 COMMISSIONER McCREARY: Right. I
6 mean, I could see if you -- like Todd says, you know, hey,
7 we got three weeks of great weather. Why wouldn't you
8 operate? Well, you know, you don't have to ice and stuff on
9 the roads. So you kind of do alleviate that problem that
10 this is trying to address, the most hazardous, as far as the
11 weather, inclement weather conditions. I think that's the
12 whole idea of this.

13 COMMISSIONER BOLAND: But can he --

14 COMMISSIONER McCREARY: Like you
15 said, you've got -- you've got great weather here. So what
16 difference does it make whether it's December or whether
17 it's September if it's 70 degrees out? I understand that.
18 So yeah, I mean, you bring up a good point, but I think the
19 whole thing wasn't just to shut the dredge down. It was
20 to -- to keep the trucks off the road during hazardous
21 conditions. And you say boaters and everything like that.
22 Well, that's true, but are really they the hazard as opposed
23 to the road conditions, you know, something outside of your
24 own control is what you're looking at here.

25 COMMISSIONER McLAREN: I'm just

1 saying there is other traffic on during the other -- rest of
2 the year that's probably a higher traffic load than at that
3 time of year. That was the point I was trying to make.

4 COMMISSIONER McCREARY: Right.

5 CHAIRMAN EVANS: So I'm starting to
6 get the feeling there is more of a consensus to remove
7 Number 11.

8 COMMISSIONER BOLAND: I'll make a new
9 motion.

10 COMMISSIONER VOSS: Number 11 is the
11 one really bothering me, and I'll say -- let's just say Lyn
12 has some good drivers, family guys. And they could be
13 working and moving material in these months. They have
14 families, and we're saying no, you can't go move that
15 material in those months. When there's some nice weather,
16 they could at least be moving material from one spot to the
17 other when they're not under the gun during the other
18 months. And we just took away three months where guys could
19 be moving material. Lyn would say okay. We can't sell from
20 here anyway. We can be moving it. That's the one bothering
21 me.

22 COMMISSIONER BOLAND: Can we put a --
23 some temperature, you know, that -- I mean, she's not going
24 to operate when 32 anyway. So if we put in there that if
25 it's 38 and above, she can operate, you know?

1 COMMISSIONER McCREARY: Yeah.

2 COMMISSIONER BOLAND: I mean, is that
3 realistic, Mark?

4 COUNTY ATTORNEY VINCENT: No.

5 COMMISSIONER BOLAND: Thank you.

6 COUNTY ATTORNEY VINCENT: No, not at
7 all.

8 CHAIRMAN EVANS: And that's why we
9 came up with the three months, and again, it wasn't one that
10 we thought of initially. It was based on her comment
11 itself. As I say, I think I'm starting to get a feel here
12 for a consensus that 11 is the one that we may not want to
13 include.

14 COMMISSIONER REINHOLD: What if we
15 compromise with it and do January 1st through February 28th,
16 and give her the other month of December because that's most
17 likely the month that's going to be nice, and compromise on
18 that if everybody is okay with that?

19 COMMISSIONER McLAREN: You know, I
20 don't know. I'm going to back to the previous no from the
21 attorney. You know, there is qualifications if you're
22 pouring concrete in different municipalities. I'm not sure
23 what Franklin County's is, but there are certain specs it
24 has to be X degrees and rising in order to pour concrete.

25 COMMISSIONER McCREARY: Uh-huh.

1 COMMISSIONER McLAREN: I mean, this
2 is material that's primarily used for concrete aggregate.
3 So I would think if it fits into the standards of
4 construction, that you know, it has to be -- you know, it
5 depends on what your municipality is. You know, it's
6 anywhere from 20 to 45 degrees and rising. I would think if
7 it's -- if there can be specifications on that, there can be
8 specifications on this.

9 COUNTY ATTORNEY VINCENT: We're not
10 going to enforce that, Bill. How are we going to enforce
11 that?

12 CHAIRMAN EVANS: Yeah, I think we're
13 getting to the point here where it's -- it'll be weather
14 determined and...

15 COMMISSIONER BOLAND: Bill, let's
16 just eliminate Number 11.

17 CHAIRMAN EVANS: I mean, rather than
18 going January and February and cutting out a month, then
19 it's -- it's almost let it be weather determined, because
20 like Mark says, how are you going to enforce it to begin
21 with?

22 COUNTY ATTORNEY VINCENT: Then we
23 take the temporary at 6 o'clock in the morning or 8:00 or
24 noon, or when do we take the temperature? Do we somebody
25 standing out there all day and call them up when it gets it

1 above? That's not feasible. We got one guy that does
2 inspections. So he's not going to stand out to monitor
3 temperature.

4 COMMISSIONER McLAREN: But you know,
5 her business monitors temperature because --

6 COUNTY ATTORNEY VINCENT: Well, then
7 there's no restriction then.

8 COMMISSIONER McLAREN: Well, there is
9 because if she can't pour concrete, she doesn't need
10 material.

11 COUNTY ATTORNEY VINCENT: Then that's
12 a restriction we shouldn't have put on there. Never put a
13 restriction in that you cannot enforce. I'm asking you
14 that. I'm not telling you.

15 CHAIRMAN EVANS: Yeah, and that's
16 what I was just saying, is that going to be unenforceable
17 when we're short. So let the weather determine it, and
18 she'll determine when it's safe to operate, and just not
19 have Number 11, which would be unenforceable to begin with.

20 COUNTY ATTORNEY VINCENT: Bill, and
21 I'm not trying to be facetious or rude or anything, but we
22 get a lot of complains about Conditional Use Permits.
23 Somebody -- when it's somebody's junk, it's somebody else's
24 treasurer and that kind of thing. If we have something
25 based upon temperature, --

1 COMMISSIONER McCREARY: Uh-huh.

2 COUNTY ATTORNEY VINCENT: -- and
3 somebody has a different thermometers out there, we're gong
4 to get calls every day saying, oh, wait a minute. They're
5 supposed to stop when it's 32, and it's 32 now. But ours
6 says 33. You can't do that.

7 CHAIRMAN EVANS: Which is why we put
8 the three months in there. But again, not to be redundant,
9 it looks like there's some issues people have with that,
10 doing that. So I think the best option would probably be to
11 do away with Number 11 rather than come up with something
12 that's unworkable.

13 But again, that's the Commission's choice.

14 COMMISSIONER McCREARY: I don't know
15 if I feel real comfortable doing away with it altogether. I
16 kind of like Tim's idea. Maybe changing the month of
17 December because that is probably going to -- like you said,
18 it's most likely going to be the month where you're going to
19 be able to operate out of these three. But like I said,
20 once you shut down, you shut down, and it's mostly going to
21 be January and February.

22 COMMISSIONER BOLAND: Can I ask Ms.
23 Havin something?

24 COMMISSIONER McCREARY: I mean, the
25 whole idea of Number 11 was for safety and to make it better

1 for the surrounding area. And I think that would accomplish
2 it. If nothing else, two-thirds versus zero.

3 CHAIRMAN EVANS: Okay. Todd.

4 COMMISSIONER BOLAND: Ms. Havin.

5 CHAIRMAN EVANS: Probably just easier
6 to pull up a chair.

7 COMMISSIONER BOLAND: You agreed to
8 this somewhat, I guess, you know, but what is -- what is
9 reasonable as opposed to three months?

10 MS. HAVIN: Again, there you get to
11 temperature. We do a lot of repairs actually in January,
12 February. So I mean, that would be reasonable. I could go
13 along with that for sure absolutely. December, you know,
14 you never know. You have a lot of good days.

15 COMMISSIONER CUNIO: Bill.

16 When you say repairs, where are your repairs
17 done? Are they -- will they be done at this location or
18 this new location?

19 MS. HAVIN: We were intending to
20 build a shop there. Yes, sir.

21 COMMISSIONER CUNIO: So okay, then we
22 come back to the issue of your definition of --

23 CHAIRMAN EVANS: Operation.

24 COMMISSIONER McCREARY: Operation,
25 yeah.

1 COMMISSIONER CUNIO: Yeah.

2 MS. HAVIN: I would like to be able
3 to load trucks. We would not dredge. We would not run the
4 plant. We would not do any of that, but we will have
5 stockpiles, and if someone needed to load material out, I
6 would like to do that if possible. And we do intend on
7 having a shop there so we could work on the loader and the
8 dump truck and --

9 COMMISSIONER CUNIO: So the way we
10 have Item Number 11 written right now, there should be no
11 operation. Is operation on the Review Committee's
12 interpretation meaning any activity or just --

13 CHAIRMAN EVANS: Again, we threw it
14 in there and it was mentioned. Of course, the first thing I
15 circled because it says no operation, and I don't think that
16 was necessarily the intent. Ron?

17 COMMISSIONER WILLIAMS: I look at
18 what the CUP is going to be issued for, and that's a mining
19 operation. So I don't think there can be any "mining
20 operation" occurring. Which to me would be the dredging and
21 the machinery and stuff like that. I would think if they
22 were going to build a shop, that's not part of the mining
23 operation, per se. My own opinion.

24 COMMISSIONER BOLAND: So she can
25 remove stockpile?

1 COMMISSIONER WILLIAMS: Now, you're
2 getting into the area where --

3 COMMISSIONER BOLAND: I mean, she's
4 not really mining. She's just hauling it. Where is the
5 definition?

6 COUNTY ATTORNEY VINCENT: You guys
7 know --

8 CHAIRMAN EVANS: So what we'd really
9 be saying --

10 COUNTY ATTORNEY VINCENT: We can
11 write it if tell us what you want.

12 CHAIRMAN EVANS: No dredging or
13 mining during January or February.

14 COUNTY ATTORNEY VINCENT: If that's
15 what you guys want to do, that's fine with me. Scottie can
16 watch - write it, I can watch her write it.

17 MS. EAGAN: Can I ask a question?

18 CHAIRMAN EVANS: Sure.

19 MS. EAGAN: I thought the point of
20 Review Committee was to keep trucks off the road at that
21 time. You guys weren't talking about dredging or mining at
22 all at Review Committee. It was all about trucks on the
23 road.

24 So I just want to make sure we're still on the
25 same page where you were when I wrote this, it wasn't me

1 just coming out of the blue and writing something. It was
2 directed from you guys after Havin said what she said and
3 agreed to it.

4 CHAIRMAN EVANS: Right. No, I think
5 it was said several times and our main focus was the safety
6 part of it. But I think we're getting a lot of feedback
7 from the other commissioners. But yeah, I think you're
8 right. When it was written in the Review Committee, it was
9 based on the safety aspect, and the dates were basically,
10 you know, input from Lyn on, you know, when she thought
11 she'd be shutting down. But again, it's a recommendation.
12 So whatever the Commission feels comfortable with.

13 COMMISSIONER HAIRE: Well, if we
14 leave December open, okay, as one of the amendments to point
15 11, and we allow non-mining operations, the shop and all
16 that there. I mean, you have the month of December to
17 stockpile at the other location, and they are not any
18 activity going on, you know, business as far as concrete in
19 January and February, that there shouldn't be a real need to
20 stockpile a whole lot at that site since there shouldn't be
21 a lot of activity out in the business sector.

22 So I mean, I would have to absolutely no
23 problem just allowing operations, open in December but still
24 curtailing January and February. You know, we can kind of
25 compromise between the intent of what we were doing plus

1 giving some flexibility to the operation.

2 CHAIRMAN EVANS: And again, I guess
3 the interpretation, as Ron mentioned, we take the definition
4 of operation. Do we want to say mining operations, no
5 mining operation?

6 COMMISSIONER WILLIAMS: I have to
7 think about that. Sorry.

8 COUNTY ATTORNEY VINCENT: You got to
9 address the hauling stuff one way or the other.

10 COMMISSIONER HAIRE: Yeah.

11 COUNTY ATTORNEY VINCENT: Or we're
12 going to have problems.

13 COMMISSIONER WILLIAMS: I just got a
14 gut -- I just have a gut feeling we're going to have to say
15 no mining, dredging or trucking operations in January or
16 February.

17 COMMISSIONER HAIRE: Uh-huh.

18 COMMISSIONER WILLIAMS: That was the
19 whole intent for limiting it during those couple of months.

20 COMMISSIONER McLAREN: I'm sorry.
21 I'm just being disagreeable. But I think that -- I really
22 don't see that it's that much more unsafe if we're allowing
23 this operation to be there. And I personally don't see -- I
24 don't see where it's that much more unsafe in the winter
25 hours. I have to assume that she's not going to put her

1 trucks out and put her insurance and her drivers at risk or
2 risk hurting somebody else if the weather is bad.

3 You know, I would personally have more concerns
4 about kids riding bicycles, you know, hay mower and a
5 tractor. I can come up with 10,000 things that can be more
6 egregious in the summertime, somebody pulling a boat and
7 they missed the turn, and they're out there trying to back
8 up the road. There is just -- seems to me like there's more
9 traffic in the summer. The wedding venue that's there.

10 Everything to me seems like there's more
11 traffic in the summer and now we're trying to add more
12 trucks into that traffic. I understand what everybody wants
13 to do, but I think there's more potential for problems in
14 the summer than there is in the winter personally.

15 I have to be disagreeable and think that if I'm
16 going to put trucks out on the road, I'm going to put them
17 out when it's safe, and I'm going to get them off the road
18 when it's not safe.

19 CHAIRMAN EVANS: Okay. Any other
20 discussion?

21 COMMISSIONER REINHOLD: Well, in Item
22 Number 11, what if you limit the operation during the months
23 ever January and February to make it a safe road way or
24 something like that, rephrase it that way?

25 MS. EAGAN: How do you limit it

1 though?

2 COMMISSIONER HAIRE: Yeah, you can't.
3 I'm thinking it's an enforceability issue.

4 CHAIRMAN EVANS: Yeah. We're getting
5 into what's the definition of limit same way we had the
6 problem with the definition of operation. Unless someone
7 has a better definition.

8 COMMISSIONER REINHOLD: I'd say let's
9 leave it the way it is and get rid of December, and I
10 think -- would you happy with that?

11 MS. HAVIN: I can live with that.

12 COMMISSIONER REINHOLD: She can live
13 with that.

14 COMMISSIONER CUNIO: Well, wait a
15 minute. Wait a minute. Just leaving it exactly the way it
16 is would not accommodate your repair and your shop.

17 MS. HAVIN: Yeah.

18 COMMISSIONER CUNIO: We would have to
19 address that.

20 COMMISSIONER REINHOLD: Right.

21 MS. EAGAN: That would change the
22 wording.

23 COMMISSIONER CUNIO: We would have to
24 change the wording on that.

25 COMMISSIONER REINHOLD: Take December

1 out of there, and just take out the dredging and trucking
2 out of there, and leave that she can go there work on her
3 equipment and things like that. And I think that would
4 be...

5 COMMISSIONER McCREARY: See, maybe no
6 hauling be the word you're looking for, because if she needs
7 to repair the truck and go the other place to get from some
8 other stockpile, the trucks going up and down the road, but
9 it's not actively hauling. In other words, we're only here
10 for the repairs. I mean, plus you don't have extra 50 tons
11 or whatever, you know, 50,000 pounds on it or whatever. I
12 don't know. And, Bill, you know, what you said is I'm
13 listening. You're saying it's probably more dangerous in
14 the summertime. So maybe we should limit it then?

15 COMMISSIONER McLAREN: No, I think if
16 we're willing to let it -- I think if we're willing to let
17 this be there, I think it potentially is more dangerous in
18 the summertime because you have people out there. You know,
19 we're worried about trucks that don't know the road. There
20 is all the other people that's coming to River Round and
21 coming to all, you know, Little Bend and coming places on
22 the river. They have no idea where they're going, but like
23 I said, there's kids are out of the school and playing and
24 traveling. I think there is just a many or more chances for
25 a problem in the summertime than there is -- I think there's

1 more chances in the summertime for a problem than there is
2 in the wintertime. I -- I -- really if we are going to put
3 in that -- if we're going to leave Number 9 and 10 in there,
4 I think it automatically fixes 11, that 11 doesn't need to
5 be in there at all.

6 COMMISSIONER McCREARY: Well, what
7 about Number 5, Saturdays up to 12 times during those times
8 you think there's more probably going to be no -- more
9 problems on the road?

10 COMMISSIONER McLAREN: I -- I think
11 there's potential for more problems on those times, but you
12 know, I am concentrating on the 9, 10 and 11 quite honestly.

13 COMMISSIONER BOLAND: Well, Number 9
14 I think -- I don't -- I think if you don't do retail sales
15 there, Bill, all you're doing is hauling it down the road
16 and causing more traffic that.

17 COMMISSIONER VOSS: And raising the
18 price.

19 COMMISSIONER BOLAND: Yeah. And if
20 you're causing -- she has to haul a load down there, then
21 you got to go haul the load out. I mean, I don't -- Number
22 9, you know, that definitely I think should be out of there.
23 And for her not to -- just for her own trucks, you know.
24 Nine and ten I disagree with. Eleven I'll work however you
25 want to work out. But to cause these two 9 and 10 and that,

1 you know, we just leave 11 in there if I have.

2 That's my opinion.

3 COMMISSIONER McLAREN: Mine's kind of
4 the opposite of you. I think that 9 and 10 fixes 11.

5 COMMISSIONER VOSS: When you say
6 Number 11, are you saying put a chain on the place or are
7 you saying --

8 COMMISSIONER BOLAND: Well, no. I
9 mean, I think that she ought to be able to, you know, do her
10 repair equipment. She's got to do something, --

11 COMMISSIONER VOSS: Sure.

12 COMMISSIONER BOLAND: -- you know,
13 and things like that. She just doesn't dredge.

14 COMMISSIONER VOSS: I'm still
15 confused. I'm still confused on what we're --

16 COMMISSIONER BOLAND: Right.

17 COMMISSIONER VOSS: -- leave 11 in
18 where that starts and it stops in operation.

19 COMMISSIONER BOLAND: I understand
20 that. Yeah.

21 CHAIRMAN EVANS: All right. Well, do
22 we have any suggestions? It looks like --

23 COMMISSIONER BOLAND: Mark, do you
24 have any words of wisdom for Number 11 in regards to
25 operation?

1 COUNTY ATTORNEY VINCENT: I think you
2 guys have hit it. I have -- what would be a reasonable
3 person view as operation? I think the whole idea of this
4 thing is control mining operations. So if it's related to
5 the mining itself, let's be specific and if business wants
6 to go out there to do repairs, even to test drive trucks up
7 and down the road or delivery new trucks or whatever, that
8 would not be part of the mining operation. To me the mining
9 operation is the dredging, the loading, the hauling. That's
10 all part of it, but we will do what you guys wanted. That's
11 what I would do if I were writing it. MS. EAGAN: What I
12 have written as you guys talked is there shall be no mining,
13 dredging, hauling or loading operation at this location from
14 January 1st through February 28th.

15 COMMISSIONER BOLAND: Say that again.

16 MS. EAGAN: As you guys talked, what
17 I jotted down is there shall be no mining, dredging, hauling
18 or loading operations at this location from January 1st
19 through February 28th.

20 COMMISSIONER BOLAND: You all right
21 with that, Bill?

22 COMMISSIONER McLAREN: Not really. I
23 think I can't see the reason to not let them haul out of the
24 stockpile. You know, here I can go a different way. If is
25 retail sales is somebody else picking it up, or is that

1 calling and order and delivery?

2 COMMISSIONER CUNIO: It would be
3 either one.

4 COMMISSIONER McLAREN: So you know,
5 I'm to -- I could -- if we leave Number 10 in there, I
6 personally think we can take Number 9 and Number 11 both out
7 because I don't understand for sure what we're classifying
8 as retail sales. If Havin trucks are delivering it, is it
9 retail sales or is it wholesale sales?

10 If they are the ones responsible -- if they are
11 the responsible party, I think that they should do it right.
12 So...

13 COMMISSIONER WILLIAMS: It would not
14 matter because the whole idea was it be Havin trucks, not
15 somebody else coming in there. That's the idea.

16 COMMISSIONER McLAREN: And I'm
17 agreeing with that, that if --

18 COMMISSIONER WILLIAMS: Okay.

19 COMMISSIONER McLAREN: -- if it was
20 Havin --

21 COMMISSIONER WILLIAMS: I wanted to
22 make sure because you mentioned somebody else coming there.

23 COMMISSIONER McLAREN: No, no. If
24 Havin trucks -- I'm talking about retail. If I call up and
25 say I need 20 tons of B gravel and Havin trucks deliver it,

1 is that a retail sale or is that -- I think, you know,
2 there's only one finger to point to if there is a problem
3 and they are Havin trucks. So I think that's...

4 COMMISSIONER BOLAND: So you're okay
5 when she leases ten trucks?

6 COMMISSIONER McLAREN: I'm going to
7 say --

8 COMMISSIONER BOLAND: I'm just
9 asking. Are you okay when she leases ten trucks?

10 COMMISSIONER McLAREN: I'm going to
11 stick with it being Havin trucks right now. If there's a
12 sign on the side that says leased to Havin Hauling or Havin
13 Concrete or Havin Material Company, you know, she's
14 responsible for that, those trucks. You know there's X
15 amount of insurance that has to be on those trucks. She's
16 not going to expose herself to, you know, somebody's coming
17 in with a very limited liability policy, I would not think.
18 And she's not going to expose herself to having her CUP
19 pulled because she has a cowboy that's coming down the road
20 that wants to make one more load and runs three people off
21 the road. It's going to take about two times of a cowboy
22 there and a call and it's going to be done.

23 You know, that puts her in the responsible
24 position to make sure her truck drivers are delivering the
25 material whether they're a legitimate leased truck or her

1 trucks. She's the one that's responsible, and there's no
2 Joe showed up with a truck and I don't know where it went,
3 and I don't know anything about it. So that's my comment.

4 CHAIRMAN EVANS: So what you're
5 basically saying is that since it can only be her trucks,
6 there can't be any retail sales?

7 COMMISSIONER McLAREN: I -- I don't
8 know. I'm just --

9 COMMISSIONER TOBBEN: Not
10 necessarily. If I called for two loads of rock and she
11 hauled it out of there with her trucks, that's retail sales.
12 And I would say that would be okay.

13 COMMISSIONER McLAREN: And I'm
14 agreeing with you. I don't know if that's retail sales or
15 not.

16 COUNTY ATTORNEY VINCENT: Well, sales
17 period but they can only be done if they're hauled by -- if
18 the material is hauled by Havin trucks.

19 COMMISSIONER McLAREN: That's what I
20 was trying to say.

21 COMMISSIONER REINHOLD: Yeah, but if
22 you eliminated Number 9 and 11, it would resolve everything.

23 CHAIRMAN EVANS: Yeah, because 10
24 reads only Havin, Meramec Aggregates owned or operated shall
25 be permitted to haul materials from this location.

1 COUNTY ATTORNEY VINCENT: Could you
2 repeat that? I'm sorry.

3 CHAIRMAN EVANS: All right. Only
4 Havin, Meramec Aggregates owned or operated trucks shall be
5 permitted to haul materials from this location.

6 COUNTY ATTORNEY VINCENT: I
7 understand that, but haul it where? If I want a load up at
8 my house, if it's owned or operated by Havin, they could
9 deliver it to my house.

10 COMMISSIONER REINHOLD: Yeah, that's
11 right.

12 COMMISSIONER McCREARY: It doesn't.

13 CHAIRMAN EVANS: In essence we're
14 saying that basically do away with Number 9, that there
15 shall be no retail sales.

16 COUNTY ATTORNEY VINCENT: I
17 understood what you're saying. If you want to combine those
18 two, that's up to you guys.

19 COMMISSIONER McCREARY: That's what
20 they're saying.

21 COMMISSIONER WILLIAMS: But the idea
22 of no retail sales at that site was to keep traffic off TT.

23 COMMISSIONER REINHOLD: Yeah, but you
24 would. It's only her trucks going to haul.

25 COMMISSIONER WILLIAMS: How do you

1 know she's going to control those trucks off of TT? If they
2 have to go down to 30, they're going to take Mill Hill over
3 to Bethel Church. That's the only way to get down there.

4 COMMISSIONER BOLAND: And that's what
5 you're -- all you're doing is creating more traffic, by not
6 letting a truck go in there and get a load from that site.
7 She has to haul that load down to the other site, you know,
8 because if I don't want her to haul the load to me, I have a
9 dump truck, I'm not going to pay her to haul a load. So now
10 I have to go over there. She has to haul it twice, and
11 you've caused another truck down there, where if just went
12 to the one site and hauled it away.

13 COMMISSIONER WILLIAMS: Wherever they
14 want?

15 COMMISSIONER BOLAND: Right.

16 COMMISSIONER WILLIAMS: However they
17 want?

18 COMMISSIONER BOLAND: Right.

19 COMMISSIONER WILLIAMS: That's what I
20 disagree with.

21 COMMISSIONER BOLAND: I pay taxes on
22 those roads. I should be able to haul whatever I want.

23 COMMISSIONER WILLIAMS: So do I.

24 COMMISSIONER BOLAND: And I know you
25 do, and I agree with that, Ron. But I ought to be able to

1 haul on any road I want, if it's -- you know, if it's legal.
2 Now you're telling me that I can't do it.

3 COMMISSIONER WILLIAMS: I think it's a
4 safety issue.

5 COMMISSIONER BOLAND: I think you
6 should take all the trucks off the road for a safety issue.

7 COMMISSIONER WILLIAMS: Okay.

8 COMMISSIONER BOLAND: You know, I
9 mean, that's how you're saying. I mean, then you ought to
10 go, you know, to Riverstone Quarry get them off there.

11 COMMISSIONER WILLIAMS: I think the
12 whole problem was TT. We narrowed in on TT to say okay,
13 that thing is racetrack. That thing is a problem.

14 COMMISSIONER BOLAND: It's not her
15 racetrack. It's somebody else's. Then maybe we need to get
16 the County out there and police the traffic better. Don't
17 blame her for the speeders.

18 COMMISSIONER McLAREN: I don't think
19 I have stated what I'm trying to say very well obviously.

20 COUNTY ATTORNEY VINCENT: Well,
21 you're the problem, Bill.

22 COMMISSIONER McLAREN: I understand
23 that. I have been for quite a while, but if she is willing
24 to be the only hauler out of there, there's only one place
25 to point a finger when there's a problem. If she's willing

1 to put up with the phone calls coming out of here or
2 whatever and --

3 COMMISSIONER REINHOLD: I think she
4 is. I mean, I think she agrees with that.

5 COMMISSIONER McLAREN: Okay. But I'm
6 saying if is the only hauler out of there, it's her
7 responsibility to make sure it's done right or she loses her
8 CUP.

9 COMMISSIONER REINHOLD: So if you
10 eliminate Number 9 and Number 11, then I'll leave Number 10
11 in there.

12 COMMISSIONER McLAREN: Second.

13 COMMISSIONER REINHOLD: I agree with
14 that.

15 COMMISSIONER HAIRE: And my only
16 concern is now you increase the number of trucks activities,
17 which blows our original objective to try and minimize
18 traffic.

19 COMMISSIONER McLAREN: No, you're not
20 increasing the truck activity. You're still hauling X
21 amount of rock out of there in however many years it takes
22 to haul out of there. So you're not increasing the truck
23 activity, and you're defining who's going be the trucker.
24 So you're defining the responsible party.

25 COMMISSIONER HAIRE: But it would be

1 because you're hauling to the other site, but you're also
2 hauling out to all these other people now on top of that.
3 Just by definition you are having more trucks.

4 COMMISSIONER McLAREN: It's the --
5 it's the same amount of tons. You're only going to haul
6 them once instead of hauling them twice. So you're not
7 increasing the truck traffic.

8 CHAIRMAN EVANS: But you have the
9 option then as mentioned before that those trucks could be
10 headed down T instead of you're not going to haul it twice,
11 which --

12 COMMISSIONER McLAREN: It's her
13 responsibility of how to route the trucks out of there as
14 part of the CUP. There's -- you know, that seems to me like
15 a legitimate thing, and then she is the person that's
16 responsible for the trucks performing correctly, being safe,
17 going the right way. There is no other -- there is nobody
18 else to say they're not doing it right.

19 COMMISSIONER WILLIAMS: But I think
20 what you're inferring -- I think what you're inferring is
21 that she would be responsible if they happen to run over,
22 you know, TT.

23 COMMISSIONER McLAREN: She would be.

24 COMMISSIONER WILLIAMS: Well, I
25 understand that, but who's -- that's an enforcement issue

1 then again. How you going to enforce that?

2 COMMISSIONER BOLAND: What's she
3 going to do, go out there and give them a ticket?

4 [CROSSTALK]

5 COMMISSIONER McLAREN: If they're her
6 trucks, she should be able to tell them, hey --

7 COMMISSIONER BOLAND: If they're her
8 trucks.

9 COMMISSIONER McLAREN: If they're her
10 trucks --

11 COMMISSIONER BOLAND: But if you --

12 COMMISSIONER REINHOLD: That's Item
13 Number 10 in the list.

14 COMMISSIONER McLAREN: If they're her
15 trucks, I don't think she's willing to risk the amount of
16 money it's going to cost to buy this piece of property, mine
17 the gravel, do everything there is, and not try to operate
18 correctly.

19 COMMISSIONER BOLAND: Well, I agree
20 with that. That's why I eliminated these three items.

21 COMMISSIONER McLAREN: I want to
22 leave Number 10 in there.

23 COMMISSIONER BOLAND: So she's just
24 going to go lease 20 more trucks?

25 COMMISSIONER McLAREN: You still know

1 whose trucks they are, and you know, that's who's
2 responsible for them. They're her leased trucks. She's the
3 one that's leased them. She's the one that's responsible
4 for them.

5 COMMISSIONER BOLAND: Okay.

6 CHAIRMAN EVANS: Any further
7 discussion? So from my notes here, --

8 COMMISSIONER CUNIO: Can you read
9 them.

10 COMMISSIONER BOLAND: So you want a
11 motion, Bill, to approve a Conditional Use Permit without
12 recommendations 9 and 11?

13 COMMISSIONER McLAREN: Me Bill or him
14 Bill?

15 COMMISSIONER BOLAND: You Bill.

16 COMMISSIONER McLAREN: Probably.

17 COMMISSIONER BOLAND: Probably.

18 Well -- Tim?

19 COMMISSIONER REINHOLD: I agree with
20 him.

21 COMMISSIONER BOLAND: Stan?

22 COMMISSIONER VOSS: Yes, sir. One of
23 biggest things bothering is me we have to remember this lady
24 is trying to operate a business. Okay. It's been pretty
25 hard. So when we start limiting what she can do to a

1 certain point, I think we are kind of damming her where
2 she's not going to be successful as we want her to be. We
3 think she's going into --

4 COMMISSIONER BOLAND: Right.

5 COMMISSIONER VOSS: And I'm just
6 trying to say, hey, we need to give her all the opportunity
7 we can, and that's one thing bothering me by Number 11. And
8 I do understand that we can, you know, have Joe pickup truck
9 or dump truck. We can stop that. I think that was a
10 concern. So I do degree.

11 COMMISSIONER BOLAND: I'd hate to be
12 there when the guy pulls up in his pickup truck, and in she
13 has to tell him she can't load him. So...

14 CHAIRMAN EVANS: I have to say this,
15 that really Number 9 and Number 11 we came up with based on
16 input from Havin. We didn't have those initially. So the
17 no retail sales was offered up, and Number 11 talking about
18 when it got cold. So that wasn't our original agenda when
19 we sat down. So those, there was input from the Applicant.
20 There was not our intent to limit her business opportunity.
21 So when she suggested that, we assumed in her business case
22 that she could still be profitable. So we didn't dream
23 those up on our own.

24 COMMISSIONER BOLAND: Well, I'll make
25 a motion that we approve the Conditioned Use Permit 160220

1 without Number 9 and 11.

2 COMMISSIONER McLAREN: Second.

3 CHAIRMAN EVANS: We have a motion and
4 a second to approve File 160220 with all conditions
5 excluding conditions 9 and 11. All in favor signify by
6 saying aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER CUNIO: Aye.

11 CHAIRMAN EVANS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER TOBBEN: Aye.

14 CHAIRMAN EVANS: Opposed?

15 COMMISSIONER WILLIAMS: No.

16 COMMISSIONER HAIRE: No.

17 COMMISSIONER McCREARY: No.

18 CHAIRMAN EVANS: No.

19 We need a roll call vote.

20 MS. EAGAN: Bill Evans?

21 CHAIRMAN EVANS: No.

22 MS. EAGAN: Todd Boland?

23 COMMISSIONER BOLAND: Yes.

24 MS. EAGAN: Tim Reinhold?

25 COMMISSIONER REINHOLD: Yes.

1 MS. EAGAN: Ray Cunio?
2 COMMISSIONER CUNIO: Yes.
3 MS. EAGAN: Tom Tobben?
4 COMMISSIONER TOBBEN: Yes.
5 MS. EAGAN: Bill McLaren?
6 COMMISSIONER McLAREN: Yes.
7 MS. EAGAN: Stan Voss?
8 COMMISSIONER VOSS: Yes.
9 MS. EAGAN: Dan Haire?
10 COMMISSIONER HAIRE: No.
11 MS. EAGAN: Russell McCreary?
12 COMMISSIONER McCREARY: No.
13 MS. EAGAN: And, Ron Williams?
14 COMMISSIONER WILLIAMS: No.
15 MS. EAGAN: Six in favor and four
16 opposed. The motion passed.
17 CHAIRMAN EVANS: Motion is carried.
18 File 160220 is approved with the conditions as amended.
19 New Business File 160240, Planning and Zoning.
20 No public comment accepted.
21 Scottie, will you please give us the details?
22 MS. EAGAN: Okay. These are the
23 regulations that I have written for what we're now going to
24 call Special Occasion or Special Occasion Permit. I'm not
25 going to read it word for word. I'll just kind of go over

1 some highlights.

2 Basically we're going to have two different
3 kinds. We have Special Occasion Indoor, which says these
4 types of events take place inside a designated structure
5 with four walls and a roof such as a banquet hall, with
6 limited or no outdoor activities associated with Special
7 Occasion even.

8 The Special Occasion Outdoor says these types
9 of events are held in any other facility, stage or structure
10 which can be temporary in nature, including but not limited
11 to tents, pavilions and open barns.

12 I personally still am permitting them in the
13 same districts where they are now. So we have Non-Urban and
14 Agricultural, Community Development, Commercial Activity
15 Highway Service, and Commercial Activity 3 Community
16 Business.

17 What we talked about in the office is limiting
18 these events to only 300 people. If you want to go more
19 than 300 people, then they'd have to get a Conditional Use
20 Permit to come before you guys and get that.

21 The hours of operation would be Monday through
22 Thursday 7:00 to 10:00, Friday 7:00 to midnight, Saturday
23 9:00 a.m. to midnight, and Sunday 10:00 a.m. to 10:00 p.m.

24 One thing that some people that I sent this out
25 to had some issues with is that little letter C under 2

1 where it says all staff employed for the special occasion
2 must vacate the premise one hour after the event ends
3 regardless of the work to be done. So that might be
4 something we want to talk about a little more in detail
5 tonight.

6 If you flip to the back, I did change the
7 minimum lot size for an indoor to a three acre minimum. I
8 came up with that just honestly by looking at our mapping
9 system and looking at the different sizes of what our -- our
10 properties are. And with all these restrictions, it seemed
11 like it could fit on a three-acre piece. Like Bill said
12 last year, the one acre just didn't make any sense with the
13 kind of restrictions we have later on for a setback.

14 COMMISSIONER HAIRE: And then that
15 parking still stays in effect by the other --

16 MS. EAGAN: Correct. Uh-huh. Yeah, I
17 didn't change the parking. I changed the acreage minimum.

18 COMMISSIONER HAIRE: Okay.

19 MS. EAGAN: So then I want to just
20 touch on noise. We say that all amplified and unamplified
21 noise or music shall end according to the following: Monday
22 through Thursday and Sunday at 10:00 p.m.; Friday and
23 Saturday at midnight.

24 The lighting, we say all that should be turned
25 off by 12:45 a.m. at the latest, and that the lighting shall

1 be limited to down-casted lights so it's not visible from
2 the neighboring properties.

3 Parking just comes out of our parking
4 regulations. The buffers are according to our regulations.

5 Access they'll obviously need a permit if
6 they're on a state or county road.

7 And then the setbacks. We have a hundred feet.
8 Outdoor activity spaces shall be set back at least a hundred
9 feet from any property line and at least 200 feet from any
10 neighboring residence. Parking shall be set back at least
11 100 feet from any property line and at least 200 feet from
12 the neighboring residents. And for indoor activity, shall
13 be set back at least 50 feet from any property line and at
14 least a hundred feet from any neighboring residence.

15 One question that came up from somebody who's
16 thinking about doing a special event and looked at these
17 regulations is is if they owned both properties, they are
18 two separate parcels and there is a house on the separate
19 parcel, that that company owns that house, do they have to
20 meet these setbacks. So that's something we might wanted to
21 consider, maybe if it's owned by the same people, maybe they
22 don't have to do it, or something of that nature.

23 COMMISSIONER BOLAND: I have a
24 question about the property line. Just out of curiosity and
25 make sure I understand.

1 This outdoor activity space is set back a
2 hundred feet from property line. What if their property
3 line is a road?

4 MS. EAGAN: Okay. I'll have to
5 define that more clearly.

6 COMMISSIONER BOLAND: I mean, I'm
7 just curious if a house is across, you know --

8 MS. EAGAN: Yeah, the road is not my
9 intention to be set back from.

10 COMMISSIONER BOLAND: Okay.

11 MS. EAGAN: It's just -- I'll have to
12 figure out a way to word that.

13 COMMISSIONER BOLAND: I'm not trying
14 to make it difficult, but you know, if they pulled right off
15 the road right into the field, you would think you could
16 park there. That's all.

17 MS. EAGAN: Well, that wasn't my
18 intent to be from the road. If that's something you guys
19 want it to be, we can keep it from any road or any property
20 line or right-of-way, or something of that nature.

21 Do you guys want to talk about it now or move
22 on and come back to it?

23 CHAIRMAN EVANS: I like property line
24 or right-of-way.

25 MS. EAGAN: Okay. So I'll change

1 that basically. And we can come back to that too.

2 Next we have what's required for a Special
3 Occasion Permit. We will have an application in our office
4 that we'll create. We have an applicant information form
5 that everybody has to fill out. Along with the application,
6 we want a description of all uses. So is it going to be a
7 wedding facility, banq- -- you know, what are they going to
8 be do doing there.

9 And then I still I have on there -- I know Jay
10 had some issues with it -- a detailed site plan drawn by an
11 engineer showing the following. And part of the reason why
12 I want that is because I want somebody would comes in and
13 has a plan who is not just coming in drawing it on a piece
14 of paper and saying this is what I think I want to do. I
15 want a definite plan of somebody who has a business and this
16 what they're going to do in Franklin County.

17 COMMISSIONER REINHOLD: And you
18 stated the engineer set of drawings or engineer site plan?

19 MS. EAGAN: Right, yeah. That's --
20 that's what we have on there. And then we have a lighting
21 plan. And this is simple. It just shows where the lights
22 will be located as well as what types they'll be using, and
23 we'll require the access permit and then any other
24 information deemed necessary by themselves.

25 COMMISSIONER BOLAND: Let me just

1 ask. So do you need stamps on this, like the engineer
2 drawing stamps, or can a draft person draw it?

3 MS. EAGAN: Yeah.

4 COMMISSIONER HAIRE: Yeah, I mean, I
5 would say you don't want a stamp. You just want a
6 professional drawing.

7 MS. EAGAN: I don't need sealed set of
8 drawings.

9 COMMISSIONER BOLAND: Okay.

10 COMMISSIONER HAIRE: That's very
11 reasonably priced. They can get that done if they're
12 serious.

13 MS. EAGAN: And then in Article 2 we
14 have new definitions for special occasion and special use of
15 facilities. And then we would delete Special Events
16 Periodic out of Article 2.

17 And then Article 7. It's pretty much the same
18 as it is except it will say Special Occasions per Article 10
19 instead of Special Events Periodic.

20 And I did send this to two people. One person
21 is already in business in the county doing a wedding event
22 facility, and then somebody who's planning, and they gave a
23 little feedback. They both said that they don't see any
24 hinderance to it, except that the neighboring residences was
25 the only question that came up with it.

1 I assume Bill will have some questions.

2 COMMISSIONER McLAREN: Just throw me
3 right under the bus.

4 CHAIRMAN EVANS: We're just all
5 waiting for Bill to speak up.

6 COMMISSIONER McLAREN: On the
7 definition of Special Occasion, I got about three things.

8 On Special Occasion, we have done stuff that
9 are fundraiser. You know, we've done the Power of the
10 Purse, where there is a donation to come to it. I still
11 consider that to be a Special Occasion. We -- but by this
12 definition, it would not be because there is -- there is a
13 contribution charged to attend. You know, they sell tickets
14 for tables. And the Power of the Purse goes for the United
15 way.

16 So are you going to consider that to be same
17 thing we donate to our sports club in our community for them
18 to do a fundraiser, and they sell tables to get -- to raise
19 their money for it. That's one.

20 The second is 300 is a pretty big event. I
21 don't know that 200 wouldn't be more appropriate. And the
22 third thing is this still doesn't get us away from rezoning
23 in Suburban Development, and an awful lot of the requests
24 are coming out of Suburban Development. So that's the most
25 difficult thing.

1 That's my three comments.

2 COMMISSIONER REINHOLD: So can I ask
3 this question?

4 CHAIRMAN EVANS: Go ahead.

5 COMMISSIONER REINHOLD: If you have a
6 farm and you want to have your daughter's wedding there,
7 you're telling me you have to get a Conditional Use Permit?

8 COMMISSIONER BOLAND: That's a
9 private event.

10 COMMISSIONER HAIRE: Yeah, that's
11 private.

12 COMMISSIONER McCREARY: Yeah, I see
13 what you mean now.

14 CHAIRMAN EVANS: Anyone else with
15 comments, questions?

16 MS. EAGAN: Going to Bill's comment,
17 I don't -- with the definition I personally don't mind
18 taking out where, you know, the whole part about the
19 admission fee because, you know, I've been to those Power of
20 the Purses and all that stuff, and it's really no different
21 than just going to some type of corporate event. Why I had
22 it in there was more to get it like we don't want concerts
23 and stuff just to start happening in these halls. So that's
24 why I had it in there.

25 COMMISSIONER BOLAND: But what you're

1 talking about, it's not an admission fee. It's a donation.

2 COMMISSIONER HAIRE: I would say
3 change the word to donation. I think that hits it. I
4 agree.

5 COMMISSIONER McCREARY: Yeah, that's
6 a contribution, not a admission fee. I mean --

7 COMMISSIONER HAIRE: Yeah, it's kind
8 of an admission fee. I mean, you -- a table's a hundred
9 bucks, or however you do it.

10 COMMISSIONER McCREARY: Right.

11 COMMISSIONER HAIRE: But most of the
12 time when you get that stuff, it's a donation when I see the
13 invitation.

14 COMMISSIONER BOLAND: You're writing
15 it off.

16 COMMISSIONER HAIRE: Yeah.

17 COMMISSIONER McLAREN: I don't
18 disagree with you, but if we're fixing something, you know,
19 you asked for my commitments. You got them.

20 COMMISSIONER BOLAND: Yeah.

21 COMMISSIONER HAIRE: But if it's just
22 donation, you keep it from what she's saying than having
23 somebody really going out and doing an event that we don't
24 really want this venued for.

25 MS. EAGAN: And I think if you -- when

1 you do the permit, if you include things of that nature in
2 there, then we can evaluate it at that time, you know, does
3 this fall under there.

4 I think I personally would let a Power of the
5 Purse fall under a Special Occasion Permit.

6 COMMISSIONER McLAREN: That's my
7 comment. I would too. You know, I'd let the sports club do
8 their thing and -- because that's the kind of stuff that we
9 have done.

10 MS. EAGAN: I mean, in ordinarily
11 they're renting out that facility to hold an event.

12 COMMISSIONER McLAREN: Correct.

13 CHAIRMAN EVANS: By definition, it's
14 kind of Special Occasion such as but not limited to. So it
15 gives some leeway there for interpretation.

16 COMMISSIONER McCREARY: Right.

17 CHAIRMAN EVANS: Any other comments?
18 Any changes, any suggestion?

19 Bill, you did mention still not being
20 applicable in Suburban Development and having to rezone
21 that.

22 COMMISSIONER McLAREN: Right. If you
23 look in my part of the county, there's a lot of large tracts
24 of ground that are Suburban Development and been there for a
25 long time. And to start spot zoning those, you know, I'm

1 not comfortable with -- I mean, I'm not comfortable with
2 zoning something, changing the zoning as much as business as
3 doing a CUP on it or the director figuring out a way to do
4 it because the requests are still going to come. We haven't
5 solved that part of the problem.

6 COMMISSIONER WILLIAMS: You know what
7 my comment's going to be?

8 COMMISSIONER McLAREN: I'm glad he
9 sits in between you and I.

10 COMMISSIONER WILLIAMS: You don't
11 have to rezone. I look at the uses in Suburban Development
12 right here, and you -- you've only got 15 of them that are
13 pretty complacent, for lack of a better term, maybe some
14 cemeteries and churches and stuff like that.

15 I'm not so sure that's a proper place to put
16 something like that in there. Maybe it shouldn't be
17 rezoned.

18 COMMISSIONER McLAREN: Maybe I agree
19 with you, but that's not been our history.

20 COMMISSIONER WILLIAMS: Let's start a
21 new history.

22 COUNTY ATTORNEY VINCENT: Yeah, there
23 you go.

24 CHAIRMAN EVANS: Other questions?

25 MS. EAGAN: How do you guys feel

1 about the number of people allowed?

2 COMMISSIONER HAIRE: I think that's
3 more than enough. I don't think it probably -- I agree
4 probably most events will probably be less than that. Just
5 as long as it's designed and big enough for the acreage, it
6 could be a 300 -- 300 people event.

7 MS. EAGAN: Right.

8 COMMISSIONER McLAREN: We have not
9 approved many of them that say they're going to do 300
10 people. So that's kind of pushed maybe a little bit more
11 liberal than what I think they could be. But if they are
12 going to, you know, I'm more comfortable with 200 in all
13 honesty. Then after that, it kind of let's us make some
14 comments to whatever.

15 COMMISSIONER HAIRE: Two to three
16 hundred wouldn't make a bit difference to me either. So...

17 COUNTY ATTORNEY VINCENT: My daughter
18 couldn't have got married at your place.

19 COMMISSIONER McLAREN: Pardon me?

20 COUNTY ATTORNEY VINCENT: My daughter
21 couldn't have got married at your place.

22 COMMISSIONER McLAREN: You're right.
23 We've got standards.

24 COMMISSIONER HAIRE: I hate to say
25 this, but I've been to a lot of weddings a little over 200

1 is -- it may not be approaching 300, but a lot of weddings I
2 have is 225, 250. So...

3 MS. EAGAN: Been there.

4 COMMISSIONER McLAREN: That just gets
5 to be a bigger facility for most of the stuff that's -- my
6 experience is that that gets -- that moves to a different
7 kind of facility.

8 And I think that if somebody wants to have --
9 and I'll do my last comment, honest. If somebody wants to
10 have a special event, and they happen to have a piece of
11 property that's next door and they want to do it, they can
12 just do a boundary adjustment.

13 MS. EAGAN: Oh, combine them so they
14 don't have that issue?

15 COMMISSIONER McLAREN: That
16 eliminates that issue. If they really want to do it, they
17 can combine them.

18 MS. EAGAN: Okay.

19 COMMISSIONER McLAREN: So I think
20 that's fine and leave the rest as in, --

21 MS. EAGAN: Okay.

22 COMMISSIONER McLAREN: -- whether
23 they own it or not.

24 MS. EAGAN: Okay.

25 CHAIRMAN EVANS: Other comments?

1 MS. EAGAN: The only other thing that
2 was brought up was about property lines. Do we want to
3 include property line and right-of-ways or easements or just
4 properly lines?

5 CHAIRMAN EVANS: Well, in order to
6 include -- what we really need to do easement or --

7 MS. EAGAN: Yeah. Does everybody
8 want to include roads as part of the setback, is my
9 question. Because when I wrote it, I wasn't thinking roads,
10 but if you want roads include, I will be more than happy to
11 put them in here.

12 COMMISSIONER HAIRE: I think it
13 should because it'll make some potential for problems.

14 MS. EAGAN: Is everyone okay with
15 that?

16 COMMISSIONER WILLIAMS: I think it
17 should include the right-of-way or easement, personally.

18 MS. EAGAN: Okay. You guys were so
19 talkative for the other one.

20 COMMISSIONER HAIRE: We're all talked
21 out.

22 COMMISSIONER McLAREN: I think its
23 appropriate to include the road.

24 COMMISSIONER HAIRE: Yeah.

25 MS. EAGAN: Okay.

1 CHAIRMAN EVANS: Did we agree on a
2 number?

3 COMMISSIONER WILLIAMS: No.

4 COMMISSIONER BOLAND: If you want a
5 number in there, and I think 300 is plenty, but I mean, if
6 you feel that it should be less than that, Bill, then...

7 COMMISSIONER McLAREN: It's, you
8 know --

9 COMMISSIONER BOLAND: I think they're
10 just putting a number in there so it doesn't go over -- over
11 that.

12 COMMISSIONER McLAREN: Yeah.

13 COMMISSIONER BOLAND: And I think,
14 you know -- you know, when somebody is going to come in it's
15 more like I'm going to have 225. Who's going to police it
16 anyway?

17 COMMISSIONER HAIRE: We're not.

18 COMMISSIONER BOLAND: So if we put
19 300, I think you got yourself covered at 225.

20 COMMISSIONER McLAREN: That's fine.

21 COMMISSIONER HAIRE: You did mention
22 the thing about you said you had some issues on staff the
23 staying after an hour.

24 MS. EAGAN: Yeah, some people were
25 saying it's not long enough, and a lot of times they can't

1 control it, was the guy who actual is in the business. He
2 can't control how fast they move.

3 The reason I wrote it for one was if it's a
4 Saturday and your event ends at 12:00 a.m., most likely your
5 neighbors want those people gone by 1:00 a.m., you know.
6 And so I was thinking and I don't know if it works in a
7 perfect world that there is stuff to do. You kick them off
8 and they come back the next day. He said it doesn't work
9 that way.

10 COMMISSIONER HAIRE: Well, I have to
11 agree. I've done some because I was trustee and we had
12 property to rent out and then have somebody, you know, we
13 would be pretty strict about making it end. But it's -- if
14 you have a party that ends at midnight, getting out of there
15 by two o'clock is hard if you're cleaning up.

16 MS. EAGAN: And then my other thought
17 about it was if we just have the hours of operation being
18 till midnight, then say everybody has to be off the property
19 by then. Then your wedding should technologically earlier
20 end than that. So that's kind of why given them that extra
21 hour. Well, then your event can end at 11:00 and you have
22 two hours to clean up.

23 COMMISSIONER HAIRE: I'm just going
24 to tell you. I've been -- we managed that, and that
25 property was a pain in the butt.

1 MS. EAGAN: Okay.

2 COMMISSIONER HAIRE: It's just hard
3 to manage the people when they're there and getting them
4 out. I mean, you're pushing to get them out at midnight.

5 COMMISSIONER BOLAND: If you have a
6 band there, they're not going to leave their equipment
7 there.

8 MS. EAGAN: Right.

9 COMMISSIONER BOLAND: Is that true,
10 Bill?

11 COMMISSIONER McLAREN: Yeah.

12 COMMISSIONER BOLAND: And it may take
13 them an hour and a half to get it -- to break it down get
14 everything out.

15 COMMISSIONER HAIRE: Yeah.

16 MS. EAGAN: So it might be better
17 just to remove that altogether from the code?

18 COUNTY ATTORNEY VINCENT: You got to
19 check the lighting too because if you're -- that's a good
20 way to get rid of them. You can turn the light off sooner.

21 MS. EAGAN: Well, the lights do have
22 to be off at 12:45.

23 COMMISSIONER McLAREN: But are you
24 talking about the parking lot lights?

25 MS. EAGAN: All lights.

1 COMMISSIONER McLAREN: Well --

2 MS. EAGAN: Is -- I think is what it
3 says.

4 COMMISSIONER McCREARY: All outdoor
5 lights.

6 COMMISSIONER McLAREN: I mean, so --

7 MS. EAGAN: Yeah, light is all -- the
8 note says all outdoor associated.

9 CHAIRMAN EVANS: It'll take them a
10 lot longer if they have to do everything in the dark.

11 COUNTY ATTORNEY VINCENT: If it's in
12 the dark, they're going to move.

13 MS. EAGAN: Well, if it is an outdoor
14 facility, yes, all the lights have to be out at 12:45.

15 COUNTY ATTORNEY VINCENT: Good luck.

16 COMMISSIONER BOLAND: Who --

17 COMMISSIONER HAIRE: That goes back
18 into an enforceability issue.

19 COMMISSIONER BOLAND: I was go say
20 that.

21 COMMISSIONER REINHOLD: Who's going
22 to enforce.

23 COUNTY ATTORNEY VINCENT: Yeah.

24 COMMISSIONER McLAREN: If you're
25 legitimately doing this for a business, you know, you work

1 and you get the people off-site. I mean, I'll tell you how
2 we do it. We say you got to be off-site and your vehicle
3 has to be gone at 12:00 o'clock.

4 COMMISSIONER HAIRE: Yeah.

5 COMMISSIONER McLAREN: You got to be
6 gone. The bride, whoever rents it has to give us a credit
7 card for deposit. And if they're not gone, it turns into
8 sever hundred dollars an hour for every part of an hour
9 thereafter. And they get -- they are real nervous. They're
10 gone. But you still got to the clean up the event. You got
11 to get the trash out of there. You got to mop it, and you
12 got to set it. If you're going to have an event the next
13 day, you got to set it for next event, you know. It takes a
14 couple of hours to clean something down, break it and change
15 it and put it back up. But it's not -- you know, you're not
16 playing music. Your people are working. They're not -- I
17 don't think they're disturbing anybody at that point in
18 time.

19 COMMISSIONER HAIRE: And most of
20 staff is in a hurry to get out of there.

21 COMMISSIONER McLAREN: Yeah, they are
22 done.

23 COMMISSIONER HAIRE: They're ready to
24 get out of there. So they're going to hustle as much as
25 they can. It's just unreasonable I think to expect them

1 they're going to do it in an hour.

2 MS. EAGAN: Okay. What about if
3 we --

4 COUNTY ATTORNEY VINCENT: Don't make
5 them do it in the dark, Scottie.

6 MS. EAGAN: Well, I was going to say
7 instead of all outdoor lighting, what if we just say the
8 parking lot lighting has to be off?

9 COUNTY ATTORNEY VINCENT: What if
10 they're loading up in the parking lot?

11 MS. EAGAN: Leave sooner. Okay.
12 I'll get rid of it.

13 COMMISSIONER REINHOLD: The problem
14 is you need a half foot candle on your parking lot at all
15 times if it's a commercial business. If somebody falls and
16 there ain't lights in the parking lot --

17 MS. EAGAN: Yeah. So the lighting
18 will just be about the kind of lighting we want at the
19 facility.

20 Okay. So if I have everything right, we'll
21 keep everything the same except removing the two things
22 about having to be off the property or turning the lights
23 off at a certain time.

24 COMMISSIONER BOLAND: Correct.

25 MS. EAGAN: Okay.

1 COUNTY ATTORNEY VINCENT: Would you
2 all write down in that notebook that Bill made all of his
3 comments already. He doesn't get any more.

4 COMMISSIONER McLAREN: Don't
5 encourage me. I'm sitting here being good.

6 COMMISSIONER HAIRE: We should have a
7 quota system, huh?

8 COUNTY ATTORNEY VINCENT: I just like
9 to give him a hard time. He knows that.

10 MS. EAGAN: You're the only one that
11 has the business.

12 COMMISSIONER McLAREN: I -- I think
13 that the changes you're making are good.

14 MS. EAGAN: Okay.

15 COMMISSIONER McLAREN: I think that
16 requiring a site plan is a good thing. I think that's an
17 extremely good thing. You know, once again, everybody wants
18 to do it. The desire right now is people want to have a
19 country wedding. So you have to keep that country theme
20 going on to be able to make it, to have a customer base that
21 you want to do. So parking away from the road is part of
22 that country theme. You're probably impacting your
23 neighbors, so the lighting -- I think the lighting can go
24 off in the parking lot when the last guests leave and the
25 employees, if it's and out -- you know, inside the tent or

1 whatever it is, you know, those lights can stay on. If it's
2 inside of a building, they can for sure keep those lights
3 on. That's not bothering anything at all.

4 I think in general you've gone really the right
5 direction. I like the sizing of it. I think it needs to be
6 of that size to make it be the feel that people are looking
7 for.

8 COMMISSIONER McCREARY: Scottie, I
9 have a question. Number 10 setbacks A, how did you rewrite
10 that with the road, you know?

11 MS. EAGAN: A and C will both say
12 shall be set back at least X amount of feet from any
13 property line, right-of-way or easement.

14 COMMISSIONER McCREARY: Okay. Just
15 so you're putting right-of-way or easement in there.

16 MS. EAGAN: Uh-huh.

17 COMMISSIONER McCREARY: Okay, thanks.

18 CHAIRMAN EVANS: Anything else?

19 COMMISSIONER McLAREN: So this comes
20 back again to us next month. Then after that, we ask it to
21 go to County Commission? Is that the way this works?

22 MS. EAGAN: I mean, you can pass it
23 along tonight if you want.

24 CHAIRMAN EVANS: I guess there is one
25 issue which we brought up last month, and I talked to Mark

1 about it. Is that the way our by-laws are written, there's
2 no way to bypass the Review Committee. So...

3 MS. EAGAN: So you're going to change
4 your by-laws.

5 COUNTY ATTORNEY VINCENT: You can
6 change --

7 CHAIRMAN EVANS: Pardon?

8 MS. EAGAN: So you need to change
9 your by-laws then. Actually I will tell you -- and don't
10 let this sway you guys one way or the other -- I don't think
11 we have anything else on the agenda. So if this does go to
12 Review Committee and then next month, this will be the only
13 thing on the agenda. And then potentially changing your
14 by-laws.

15 COUNTY ATTORNEY VINCENT: Oh, don't
16 worry about it, Scottie. Bill will turn it into a
17 three-hour meeting.

18 CHAIRMAN EVANS: Yeah, Mark, I guess
19 we could go ahead, but we would be in violation of our
20 by-laws.

21 COUNTY ATTORNEY VINCENT: Well, I
22 mean, you've been in violation of your by-laws how many
23 months in a row now?

24 CHAIRMAN EVANS: Well, we didn't last
25 months because I brought it up. So we haven't since we

1 talked about it, but pretty much going back several years we
2 have pretty much been in violation of our by-laws.

3 COMMISSIONER HAIRE: Well, we could
4 have special Review Committee meeting immediately.

5 CHAIRMAN EVANS: Unfortunately, the
6 time that the Review Committee meets is also in the by-laws.

7 COMMISSIONER HAIRE: Well...

8 CHAIRMAN EVANS: All right. We could
9 go ahead and move this to make a motion to move this to Old
10 Business.

11 COMMISSIONER BOLAND: Make a motion
12 we move it to Old Business.

13 COMMISSIONER HAIRE: Second.

14 CHAIRMAN EVANS: We have a motion and
15 a second to move File 160240 to Old Business. All in favor
16 signify by saying aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER CUNIO: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER BOLAND: Aye.

24 COMMISSIONER HAIRE: Aye.

25 COMMISSIONER TOBBEN: Aye.

1 COMMISSIONER McCREARY: Aye.

2 CHAIRMAN EVANS: Opposed? [None]

3 The motion is carried.

4 Going back to old Business File 16040. Any
5 discussion, comment, questions? If not, the Chairman would
6 entertain a motion to approve.

7 COMMISSIONER McCREARY: Make a motion
8 to approve File 160240 with the changes made this evening.

9 COMMISSIONER CUNIO: Second.

10 CHAIRMAN EVANS: We have a motion and
11 a second to approve File 160240. All in favor signify by
12 saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN EVANS: Opposed? [None]

24 Motion is carried.

25 Preliminary Plats. We have none.

1 Planning and Zoning Commission Forum. Nothing.

2 Planning director's report?

3 MS. EAGAN: Nothing.

4 CHAIRMAN EVANS: Nothing.

5 We have no further business. The Chair would
6 entertain a motion to adjourn.

7 COMMISSIONER McLAREN: Motion to
8 adjourn.

9 COMMISSIONER BOLAND: Second.

10 COMMISSIONER HAIRE: Second.

11 CHAIRMAN EVANS: Motion and second to
12 adjourn. All in favor signify by saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER CUNIO: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN EVANS: Opposed? [None]

24 We are adjourned.

25 [Thereupon, the proceedings

1 concluded at 8:48 p.m.]
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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:
August 26, 2018

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