Chairman Shepard called the meeting to order at 9:00 a.m. and asked all attending to recognize a moment of silence for the victims of the aircraft accident that occurred this past Friday near Executive Airport.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. MOORE AND SECONDED BY MR. WEISENBURGER TO APPROVE THE MINUTES OF THE DECEMBER 1, 2004 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (5-0).

II. REPORT OF THE CHAIRMAN

No report of the chairman.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

B. Summary of Financials:

Mr. Perry stated that the Airport Commission had received $169,000 of county support for 2004 and did not have to use any carryover money to balance the budget. There is actually a little over $200,000 revenue over expenses for 2004. County tax support money covers the administrative services of wide area network, computer support, new phone system-VoIP (Voice over Internet Protocol), human resources and legal assistance. Chairman Shepard asked how the outlook of building new T-hangars was in the 2006 budget. Mr. Perry responded that there would be the same issues of having to subsidize hangar debt unless new T-hangar rates are raised substantially. Mr. Metcalfe added that staff would prepare the budget with and without T-hangar information for the Airport Commission board to review.

Mr. Metcalfe briefed the board on a recent incident with the Gardner water supply. There was
I. APPROVAL OF MINUTES for the December 1, 2004 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the November and December expenditures as presented.

V. DISCUSSION ITEMS
   A. Consider approving a new ground lease on 20 acres for Wausau Supply Co. for the construction of a building materials distribution facility.
   B. Consider renewing the Southwest Johnson County EDC Contract Agreement.
   C. Consider approving the Southwest Johnson County EDC 2005 Marketing Plan Agreement.
   D. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, Kansas

Wednesday, January 26, 2005 – 9:00 a.m.

I. APPROVAL OF MINUTES for the December 1, 2004 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY
  A. Review staff reports.
  B. Summary of Financials.
  C. Consider ratifying the November and December expenditures as presented.

V. DISCUSSION ITEMS
  A. Consider approving a new ground lease on 20 acres for Wausau Supply Co. for the construction of a building materials distribution facility.
  B. Consider renewing the Southwest Johnson County EDC Contract Agreement.
  C. Consider approving the Southwest Johnson County EDC 2005 Marketing Plan Agreement.
  D. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – December 1, 2004, 9:00 a.m. – Johnson County Nolte Transit Center, Olathe, KS

Airport Commission

Present: Messrs. Means, Moore, Shepard, Weisenburger and Wittenborn

Absent: Messrs. Dixon and Shadwick

Staff: Dunham, Metcalfe, Helsel, Perry and Coopey

Others: Dorothy Blackburn, League of Women Voters
Christine Bushyhead, Attorney
Terry Clark, private citizen
Stewart Fairburn, City of Gardner
Jackie Flesehman, League of Women Voters
Phil Gibbs, Continental Engineering
Phil Gibbs, Jr., Continental Engineering
Dr. Fred Hartwig, private citizen
Bob Johnson, R.H. Johnson Company
Greg Kindle, Southwest Johnson County EDC
Mayor Carol Lehman, City of Gardner
Melissa Mundt, City of Gardner
Andy Maysent, HNTB
Amelia McIntyre, Carlson Kort L.C.
Ray Olsen, Ray Olsen, L.L.C.
Jim Orr, Attorney
David Peel, Johnson County Planning
Dean Palos, Johnson County Planning
David Scott, Green Engineering Services, Inc.
Commissioner Doug Wood, BoCC

Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. WITTENBORN AND SECONDED BY MR. MOORE TO APPROVE THE MINUTES OF THE OCTOBER 23, 2004 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (5-0).

II. REPORT OF THE CHAIRMAN

A. Chairman Shepard congratulated Garry Cosner and expressed the board’s appreciation for his five years of dedicated service.

IV. EXECUTIVE SUMMARY

A. Review staff reports:
B. Summary of Financials:

C. **Consider** ratifying the October expenditures as presented:

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO RATIFY THE OCTOBER EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. DISCUSSION ITEMS

A. **Consider making a recommendation to the Board of County Commissioners on the proposed Wal-Mart development south of New Century AirCenter in Gardner.**

Chairman Shepard gave background information on the recent meeting with the Board of County Commissioners and their request of the Airport Commission on the Wal-Mart development proposal. Ms. Dunham reminded the Airport Commission board that the BoCC is the statutory authority in making the final decision. Ms. Dunham also pointed out that this is not an isolated application, in that every land use around the airport affects future land use and to take that into consideration when looking at the application. Mr. Palos, Johnson County Planning, commented that the state statutes do provide that the county has the authority to control zoning within a mile of the airport and that is what this exercise is about. Mr. Palos presented regulation guidelines on zoning that were adopted about ten years ago with the county and the city Gardner, dealing with New Century AirCenter. Mr. Peel, Johnson County Planning, stated that this application proposal is not just a Wal-Mart proposal, but includes a gas station site and other retail pad sites. He further stated that zoning near the airport is for commercial use, such as warehousing, horticultural nursery’s and low-density uses that are not a retail attraction for thousands of people. Mr. Peel continued that the north wall of the Wal-Mart building would be about two-thirds of a mile from the end of the runway and there are two pad sites that straddle the runway center line. They are 5,000 square foot buildings that are about 115 feet apart and proposed for restaurant and retail locations. Restaurants, in particular, are used for dense populations of people which are contrary to the plan’s intention. The western 265 feet of the site is outside the primary flight corridor and by his calculations and estimates planes could be about 300 feet above ground surface at this location. The information provided by the city of Gardner includes FAA certifications that none of the proposed improvements would protrude high enough to be in the protected air zones of the airport. Mr. Peel read part of a memo that was sent on November 5, 2004 in a briefing package to the BoCC, highlighting critical locations near the airport. The primary flight corridor is 1,000 feet wide, not 500 feet wide as submitted by the city of Gardner. Therefore, the eastern third of the wetlands area is well within the flight corridor and the FAA has issued an advisory circular with regard to mitigating animal and bird strike issues around airports. Although, this wetland area is replacing one that is already on the property it still is well within the airport’s flight corridor. Mr. Peel continued that it is important that the land use and development of the property be consistent with the land use and development policies of the plan. He further summarized acceptable land uses around the flight corridor minimizing concentration of persons in areas of highest quantities of aviation activity (warehousing, outside storage of equipment, automobiles, machinery, building materials, contractor’s equipment, storage yards, regular truck freight terminals, and off street parking lots). He reiterated that several of the pad sites are proposed to be restaurant and retail. Restaurant uses often have high population of people per square foot and should be avoided for those reasons. The maximum occupancy allowed by the international
building code would be around 6,000 people. Mr. Peel stated that it was Johnson County Planning staff's position, interpreting the airport Master Plan that the development and use of the proposed site are too intense to be compatible with the airport and the proposed developer would not be well located in respect to the following: two-thirds of a mile from the end of the runway to the north wall of the building, the extended center line of the runway crosses the site by 250 feet in front of the proposed wall of the Wal-Mart Super Center and 220 feet from the center line of the proposed gasoline pump islands, and along the center line of the runway there is a 115 foot wide area between two 5,000 square foot buildings labeled as future restaurant and retail spaces and many other aspects that are not consistent with the land use policies. Chairman Shepard asked what the differences in safety were in approving residential development versus the proposed Wal-Mart and surrounding development. Mr. Peel replied that part of the concept is that there are open areas that a pilot would be able to land aircraft in an emergency, unlike the Wal-Mart proposal.

Mr. Sherman, Community Development Director for the city of Gardner, gave background information and an update of the city of Gardner's approval of the Wal-Mart proposal. Mr. Sherman agreed with Mr. Peel that the most critical flight corridor location is the 500 foot square area. The original proposal, first presented two years ago, was to put the Wal-Mart building east of the sewer lagoon; right on the center of the runway, and the parking lot would be on the old Luv's Home site. He further stated that he and Mr. Metcalf met and it was determined that the original proposal would not work due to the flight corridor. The revised information was included in the staff analysis presented to the Gardner Planning Commission, Gardner City Council and the BoCC. Mr. Sherman pointed out that under the existing zoning for the Wal-Mart site, the mobile home park could be expanded to the east under the primary flight corridor and very dense warehousing could be developed directly under the flight corridor on the center-line of the runway, all without any further approval of the County. Mr. Sherman felt that the Wal-Mart plan was much preferable in terms of safety for aircraft on approach because the area under the flight corridor is primarily open parking lot.

Ms. Bushyhead, attorney for Wal-Mart, addressed the Airport Commission board regarding policy issues and their compatibility plan at New Century AirCenter and the distinction between this application and Wal-Mart's original proposal. She stated that the FAA's comments and jurisdiction regarding water fowl issues is primarily restricted to the runway protection area that the Wal-Mart proposal would not impact. Ms. Bushyhead recommended that the Airport Commission view the city of Gardner staff's comprehensive plan. Finally, she added that the Wal-Mart proposal would not adversely impact airport operations. The proposed parking lot is low density and under the critical flight corridor area. The most obvious issue is aircraft noise and the impact on areas surrounding the airport is a non-issue regarding the Wal-Mart proposal and development. The second stated concern regarding land usage is to provide reasonable opportunities for viable economic uses of the land while recognizing and establishing appropriate measures to balance the land use with the airport influence. She reiterated the economic value for the local economy and the protection of the public investment in this facility, in the New Century AirCenter, for which there may be no feasible future replacement. She added that the city of Gardner has stepped forward in taking affirmative steps to partner with New Century AirCenter and Johnson County in trying to preserve the economic and viability of airport operations. In conclusion, she requested that the Airport Commission recommend this proposed Wal-Mart development. Mr. Wittenborn asked if there were plans for lighting in the parking lot. Ms. Bushyhead responded that the FAA has regulations they would follow so there would be no negative impact on the airport. Mr. Palos stated that aircraft noise
and safety is an issue in the development of properties surrounding an airport. Mr. Weisenburger stated, as a council member for the city of Gardner, that he would abstain from voting. Mr. Wittenborn stated that he believed the lighting in the parking lot would obstruct the approach lighting system and would directly affect instrument landing at the airport. Mr. Phil Gibbs, contracting engineer for Wal-Mart, responded to Mr. Wittenborn’s concerns that the parking lot pavement would be black asphalt with a cold tar seal, the lights in the parking lot would be facing down with very little glow and not be placed in any row that would be confusing to a pilot. Commissioner Wood asked the Airport Commission board to make their recommendation regarding the Wal-Mart proposal, based upon land use, and to be certain what is being voted on.

MOVED BY MR. MEANS AND SECONDED BY MR. MOORE TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE PROPOSED WAL-MART DEVELOPMENT BE APPROVED BASED UPON THREE (3) FINDINGS: THE PROPOSED DEVELOPMENT IS A COMPATIBLE USE OF LAND WITH THE NEW CENTURY AIRCENTER; THE PROPOSED DEVELOPMENT DOES NOT ADVERSELY EFFECT AIRPORT OPERATIONS PROVIDED THE PARKING LOT LIGHTING IS ADEQUATELY ADDRESSED TO THE SATISFACTION OF THE NEW CENTURY AIRCENTER STAFF; AND THE PROPOSED DEVELOPMENT IS A PREFERABLE DEVELOPMENT TO A RESIDENTIAL DEVELOPMENT. APPROVED (3-1-1). OPPOSED BY MR. WITTENBORN AND ABSTAINED BY MR. WEISENBURGER.

B. Discussion of Prairie Highlands’ proposed wastewater effluent pipeline at New Century AirCenter.

Chairman Shepard updated the Airport Commission on the latest aspect that Prairie Highlands has received a permit from the Kansas Division of Water Resources to redirect effluent water from the New Century AirCenter wastewater treatment plant to the Prairie Highlands Golf Course. Mr. Orr, attorney for Prairie Highlands Golf Course, addressed the board and emphasized the importance of using valuable resources. Chairman Shepard noted that there are outstanding issues with respect to the requirements of the easement agreement that the Airport Commission board requests from Prairie Highlands. Firstly, there are conflicting conversations with the Corps of Engineers between the Airport Commission and Prairie Highlands. He further requested a letter from the Corps of Engineers stating, on record, that no permits are required. Secondly, engineering drawings and specifications of what the pipeline looks like and how it would flow to Prairie Highlands’ lake. Thirdly, he recognized concerns from the Hartwig’s of effluent water eroding and contaminating their land. Chairman Shepard stated that the Airport Commission would not be put in the position of choosing between Dr. Hartwig’s private property concerns and pumping effluent water to Prairie Highlands’ golf course. He continued that Prairie Highlands and Dr. Hartwig could come to some resolution that would not put this volunteer board in the middle. Ms. McIntyre, attorney for the Hartwig’s, referenced page two, item ten of the letter from the Kansas Division of Water Resources, stating that they would not allow Prairie Highlands’ to enter or cause damage to private property. Mr. Metcalfe stated that before the Airport Commission board would consider approving the easement, the next steps would need to be addressed. A letter from the Corps of Engineers and the Kansas Department of Health & Environment (KDHE) and engineering plans and specifications from Prairie Highlands, that would need to be reviewed and approved by the Airport Commission’s engineer, along with an agreement on the fee for the easement.

C. Consider approving a ground lease for Midwest Soccer Complex, L.L.C. for the construction of
an indoor soccer facility at 551 New Century Parkway.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. MOORE TO APPROVE A GROUND LEASE FOR MIDWEST SOCCER COMPLEX, L.L.C. FOR THE CONSTRUCTION OF AN INDOOR SOCCER FACILITY AT 551 NEW CENTURY PARKWAY. APPROVED (5-0)

D. Consider approving a Rail Agreement & Amendment to Lease for Leawood Drive Associates, L.L.C. and Metal West, L.L.C to provide for the construction of a rail spur to serve Metalwest, subtenant in Leawood Drive Associates’ leased building at 201 Leawood Drive.

MOVED BY MR. MEANS AND SECONDED BY MR. WEISENBURGER TO APPROVE A RAIL AGREEMENT & AMENDMENT TO LEASE FOR LEAWOOD DRIVE ASSOCIATES, L.L.C. AND METALWEST, L.L.C. TO PROVIDE FOR THE CONSTRUCTION OF A RAIL SPUR TO METALWEST, SUBTENANT IN LEAWOOD DRIVE ASSOCIATES’ LEASED BUILDING AT 201 LEAWOOD DRIVE. APPROVED (5-0)

E. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 11:30 a.m.
(Revised – February 23, 2005)

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING

AGENDA

One New Century Parkway
New Century, Kansas

Wednesday, February 23, 2005 – 9:00 a.m.

I. APPROVAL OF MINUTES for the January 26, 2005 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY

A. Review staff reports.

B. Summary of Financials.

C. Consider ratifying the January expenditures as presented.

V. DISCUSSION ITEMS

A. Discuss Ice Removal at New Century AirCenter and Executive Airport.

B. Report of the President, Southwest Johnson County EDC.

C. Update of Prairie Highland’s proposed wastewater effluent pipeline at New Century AirCenter.

D. Discuss joint meeting with BoCC.

VI. BUSINESS FROM THE FLOOR

VII. Executive Session to discuss Executive Director’s performance review

VIII. ADJOURNMENT
I. **APPROVAL OF MINUTES** for the February 23, 2005 meeting.

II. **REPORT OF THE CHAIRMAN**
   A. Award/Plaque presentation – Russell Means, January 2003 thru March 2005
   B. Introduction of Airport Commission board member (3rd District) – Randy Downing
   C. Elect new treasurer to replace Russell Means.

IV. **EXECUTIVE SUMMARY**
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the February and March expenditures as presented.

V. **DISCUSSION ITEMS**
   A. Consider approving the 2006 budget submission to the BoCC.
   B. Update on runway ice removal costs.
   C. Consider approving an addendum to the ground lease for Astronomical, Inc., real estate holding company for Roberts & Dybdahl Lumber Co., for an additional 4.87 acres to be added to their facility at 16740 Conestoga Rd., New Century AirCenter.
   D. Review proposed site layout for Wausau Supply Co.
   E. Report of the President, Southwest Johnson County EDC.

VI. **BUSINESS FROM THE FLOOR**

VII. **ADJOURNMENT**
I. APPROVAL OF MINUTES for the April 27, 2005 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the April expenditures as presented.

V. DISCUSSION ITEMS
   A.
   B.
   C. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, Kansas

Wednesday, June 22, 2005 – 9:00 a.m.

I. APPROVAL OF MINUTES for the April 27, 2005 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the April and May expenditures as presented.

V. DISCUSSION ITEMS
   A. Review development plans for the Amber Ridge subdivision at 143rd Street & Pflumm Rd. and make a recommendation to the Board of County Commissioners on the zoning application.
   B. Update on the Airport Master Plans by Coffman Associates.
   C. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
I. **APPROVAL OF MINUTES** for the June 22, 2005 meeting.

II. **REPORT OF THE CHAIRMAN**

IV. **EXECUTIVE SUMMARY**
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the June expenditures as presented.

V. **DISCUSSION ITEMS**
   
   B. Consider approving a Transloading Site Agreement for Carload Connection, L.L.C. for the transloading of denatured ethanol from over-the-road tank trailers to rail tank cars for outbound shipment.
   
   C. Discuss allocating $140,000 of uncommitted capital funds for the construction of a sewer main to serve the Wausau Building Supply site and approximately 30 acres of undeveloped land in the southwest portion of the New Century business park.
   
   D. Update on ice removal costs.
   
   E. Discuss airport security.
   
   F. Report of the President, Southwest Johnson County EDC.

VI. **BUSINESS FROM THE FLOOR**

VII. **ADJOURNMENT**
I. APPROVAL OF MINUTES for the July 27, 2005 meeting.

II. REPORT OF THE CHAIRMAN
   A. Award/Plaque presentation – Jay Shadwick, July 2002 thru July 2005
   B. Election of officers.

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the July and August expenditures as presented.

V. DISCUSSION ITEMS
   A. Update on the Airport Master Plans by Coffman Associates.
   B. Discuss T-Hangar options.
   C. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
I. APPROVAL OF MINUTES for the September 28, 2005 meeting.

II. REPORT OF THE CHAIRMAN
   A. Discuss combining the November and December Airport Commission meetings.

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the September expenditures as presented.

V. DISCUSSION ITEMS
   A. Review final recommendations from Coffman Associates on the airfield layout plans for the airports. Discuss alternatives for the extension of runway 18-36 at New Century.
   B. T-Hangar discussion update.
   C. Consider approving an addendum to Collis Equipment Company’s lease to add 2 acres of land for expanded outside storage at Collis’s existing facility at 295 New Century Parkway.
   D. Consider approving a new lease for ACDC Investments, L.L.C. (Dave Collis) for a .67 acre hangar pad site on Taxilane AA for the construction of a 10,000sq. ft. private hangar.
   E. Consider approving an addendum to Garmin International’s lease to add 4 acres of land for the expansion of Garmin’s hangar facility at New Century AirCenter.
   F. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
I. APPROVAL OF MINUTES for the October 26, 2005 meeting.

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY
   A. Review staff reports.
   B. Summary of Financials.
   C. Consider ratifying the October and November expenditures as presented.

V. DISCUSSION ITEMS
   A. Consider approving a rent credit for Wausau Supply Co. for the extension of the water main to serve their site and for a temporary wastewater holding tank.
   B. T-Hangar waiting list discussion.
   C. Consider renewing the Southwest Johnson County EDC Contract Agreement.
   D. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT
an algae problem at the Gardner Lake treatment facility that was not caught in time by the City and it got into the water system. It isn’t dangerous, but causes quality issues with the food processor businesses in the business park. Kansas Department of Health and Environmental advised us to dump the water, not because it was dangerous, but because of the perceived quality issue. There were about four million gallons of wasted water and labor costs that resulted from the event. We will not pay for the four million gallons of water that was dumped, due to the algae problem, and will bill the City of Gardner for labor costs associated.

Mr. Metcalfe updated the board on the runway work for this summer and the significance it would have on the pilot community. The biggest impact will be that runway 17/35 would be closed for 4-5 months, but runway 04/22 will remain open. Mr. Weisenburger asked how it would affect revenue. Mr. Perry replied that it would affect fuel flowage and would impact the businesses by the drop in the number of operations due to the runway construction.

C. Consider ratifying the November and December expenditures as presented:

MOVED BY MR. SHADWICK AND SECONDED BY MR. MOORE TO RATIFY THE NOVEMBER AND DECEMBER EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. DISCUSSION ITEMS

A. Consider approving a new ground lease on 20 acres for Wausau Supply Co. for the construction of a building materials distribution facility.

Mr. Moore asked if Wausau Supply Co. would be paying for the rail spur that would be going in. Mr. Metcalfe replied that Wausau Supply Co. would be paying for the rail spur. Ms. Dunham added to the discussion that negotiations are still ongoing regarding a few of the terms on this lease. She suggested that if the board approved the new ground lease recommended to include in the motion that it be subject to finalization of legal and staff. Mr. Metcalfe added that he encouraged Wausau Supply Co. to discuss their outside storage plans with county planning. That may be a deal breaker if they are required to do substantial screening of the outside storage.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. SHADWICK TO RECOMMEND APPROVAL OF A NEW GROUND LEASE ON 20 ACRES FOR WAUSAU SUPPLY CO. SUBJECT TO ADDITIONAL STAFF AND LEGAL RECOMMENDATIONS AND AUTHORIZING THE CHAIRMAN TO SIGN THE FINAL LEASE AGREEMENT. APPROVED (5-0).

B. Consider renewing the Southwest Johnson County EDC Contract Agreement.

MOVED BY MR. DIXON AND SECONDED BY MR. SHADWICK TO APPROVE RENEWING THE SOUTHWEST JOHNSON COUNTY EDC CONTRACT AGREEMENT. APPROVED (5-0)

C. Consider approving the Southwest Johnson County EDC 2005 Marketing Plan Agreement.

MOVED BY MR. DIXON AND SECONDED BY MR. SHADWICK TO APPROVE A THE SOUTHWEST JOHNSON COUNTY EDC 2005 MARKETING AGREEMENT. APPROVED (5-0)
E. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 9:46 a.m.

_________________________________________   _______________________________________
John Wittenborn, Secretary                    R. Lee Metcalfe, Executive Director
Airport Commission

Present: Messrs. Dixon, Means, Moore, Shadwick, Shepard and Wittenborn

Absent: Mr. Weisenburger

Staff: Dunham, Metcalfe, Perry, Helsel and Bellinger

Others: Dorothy Blackburn, League of Women Voters
        Terry Clark, private citizen
        Rick Cox, IBT Inc.
        David Frances, Prairie Highlands Golf Course
        Greg Kindle, Southwest Johnson County EDC
        Amelia McIntyre, Carlson Kort LLC
        Ray Olsen, Ray Olsen, L.L.C.

Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. DIXON AND SECONDED BY MR. MEANS TO APPROVE THE MINUTES OF THE JANUARY 26, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

No report of the chairman.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Metcalfe reported that Midwest Aerosport has completed their hangar and they are interested in building another hangar. They have taken an option on the ground directly across from where they just built. KANRUS, an import and export business of airplane and airplane parts between the United States, Ukraine and Russia, is interested in building a 10,000 square foot hangar for their operation and have taken an option on the ground next to Midwest Aerosport. There is also interest in a manufacturing facility of mining equipment for about 1.5 acres located between Collis Equipment Company, Inc. and Ferrellgas. Mr. Metcalfe stated that the lease agreement for Wausau is close to completion. Chairman Shepard asked what the specifics are on the option for the 10,000 additional square feet for hangar space. Mr. Metcalfe responded that the normal option agreement, one to one and half pages, gives the right to lease the property for two years and they would pay ten percent of what the normal rent would be.
Mr. Perry reported that when the FAA gives him the release to advertise for bids, possibly by this Friday, February 25, then the plans are to give notice to proceed to the winning contractor on May 1. Once that occurs, then the runway will be closed for about five months. Chairman Shepard requested of Mr. Perry that he extend invitations to Prairie Highlands and Dr. Hartwig for the Master Plan updates meetings.

B. Summary of Financials:

C. Consider ratifying the January expenditures as presented:

MOVED BY MR. MEANS AND SECONDED BY MR. WITTENBORN TO RATIFY THE JANUARY EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

A. Discuss Ice Removal at New Century AirCenter and Executive Airport.

Mr. Metcalfe stated that there are typically two or three times a year when there is ice on the runways from melting snow that refreezes or from ice storms. We receive complaints from a few aircraft operators. The complaints mainly come from charter and corporate operators. This last series of ice storms they expressed even more concerns and have requested that we investigate the possibility of ice removal equipment. Mr. Perry presented cost information for deicing products from Cryotech. These compounds are used at MCI (Kansas City International Airport) and KCAC (Kansas City Aviation Center). He continued that special equipment and storage would be needed. The cost could be up to $100,000 for the equipment and $3,000 to $10,000 per application on one runway, depending on how solid the ice is. Mr. Moore asked if there were FAA requirements on ice removal for runways. Mr. Perry replied that we are a general aviation airport and there are no requirements by the FAA. Mr. Dixon asked how frequently ice storm or bad weather affects the runways at New Century AirCenter and Executive Airport. Mr. Perry replied that the weather, over the last few years, has affected both airports at the same time and for up to three days each occurrence. Mr. Dixon asked if Mr. Perry could contact the city of Kansas City, Missouri to see if they would contract services for the airports and what those costs might be. Mr. Metcalfe commented that other general aviation airports usually wait out the bad weather. Mr. Cox, IBT, asked if the deicing products could be used with the airport’s current equipment. Mr. Perry responded that he would have concerns of getting the deicing product and sand mixed. Mr. Moore suggested exploring the compatibility of the sand with Cryotech materials. He continued that his concerns would be the damage to vehicles, noting that aircraft material is aluminum and vehicles are made of steel. Mr. Wittenborn commented that even if the salt spreader was an option, he believed it would be a timing issue with using the current equipment. Mr. Helsel responded that the equipment used is mounted on a one-ton chassis and would give about a ten foot spread per application. The main runway at New Century AirCenter is 7,400 feet long and 190 feet wide runway. After further discussion, it was recommend for Mr. Perry to contact the city of Kansas City, Missouri for contracting service costs and look into the compatibility of materials.

B. Report of the President, Southwest Johnson County EDC.
C. **Update of Prairie Highland’s proposed wastewater effluent pipeline at New Century AirCenter.**

Chairman Shepard updated the board on a recent meeting he participated in with Dr. Hartwig and his attorneys and a separate meeting with Prairie Highland’s and their attorneys. Ms. McIntyre presented a proposal for the development of a contract between the Airport Commission and the Hartwig’s. The contract should include contingencies that were outlined in a letter that Ms. McIntyre presented to the board. She requested the board authorize Ms. Dunham to present before the Airport Commission board for approval at the next regularly scheduled meeting on March 23. Mr. Shadwick stated that the issue he has is with timing and that the Airport Commission board has a lot of issues that need satisfied before it would consider granting an easement and that the only thing that the Airport Commission has approved, to date, is the form of the easement. If the KDWR (Kansas Department of Water Resources) has already granted the permit to Prairie Highlands, then it is his opinion that the dispute is strictly between the Hartwig’s and Prairie Highlands and that the Airport Commission should not be drawn in as a third-party. Mr. Wittenborn stated that he would not vote for an easement that would disrupt airport operations during the installation of the process or future potential disruptions of airport operations. Ms. Dunham commented that she has written letters, on behalf of the Airport Commission, to the KDWR stating that the Airport Commission has approved the form of the easement and nothing else. Ms. Dunham continued that it is the Hartwig’s that have raised the issue of legal access to their property. Mr. Shadwick stated that the Airport Commission is not a party to the legal ramifications between the Hartwig’s and Prairie Highlands and should not be pulled into the legalities of either party. Mr. Frances commented that he has not received anything from the engineer to be able to present to the Airport Commission board. After further discussion, Chairman Shepard ended all future discussions until Prairie Highlands could present the Airport Commission with further documentation.

D. **Discuss joint meeting with BoCC.**

VI. **BUSINESS FROM THE FLOOR**

VII. **EXECUTIVE SESSION**

A. **Discuss Executive Director’s performance review.**

MOVED BY MR. SHADWICK AND SECONDED BY MR. WITTENBORN TO GO INTO EXECUTIVE SESSION FROM 10:16 A.M. TO 10:30 A.M. TO DISCUSS THE EXECUTIVE DIRECTOR’S PERFORMANCE REVIEW. APPROVED (6-0).

VIII. **ADJOURNMENT**

There, being no further business, the meeting was adjourned at 10:32 a.m.
I. APPROVAL OF MINUTES

MOVED BY MR. MOORE AND SECONDED BY MR. DIXON TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

A. Chairman Shepard presented Russell Means a plaque and recognized his outstanding dedication and service in representing the Johnson County Airport Commission from January 2003 through March 2005. Chairman Surbaugh presented Mr. Means a certificate of merit award and expressed her appreciation, on behalf of the BoCC, in serving as Airport Commissioner.

B. Introduction of the new Airport Commission board member, Randy Downing, filling the 3rd District position, replacing Russell Means.

C. Mr. Moore was elected as new treasurer, replacing Mr. Means.

MOVED BY MR. SHADWICK AND SECONDED BY MR. DIXON TO ELECT MR. MOORE AS TREASURER, REPLACING MR. MEANS. APPROVED (6-0).

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Dixon asked Mr. Metcalfe when the construction on the Wausau project will begin. Mr.
Metcalfe responded that Wausau had not signed a contract with a contractor or design/builder. Wausau’s intention is to build this summer.

Mr. Perry gave an update on the construction of main runway 17/35. He stated that the FAA was $600,000 short in funding and has put this project on hold. Mr. Weisenburger asked if the FAA would be able to come up with the funds by May. Mr. Perry replied that it is a 50/50 probability that it would happen. Commissioner Wood asked what the bid amount was. Mr. Perry responded that the bid was $3.4 million. Chairman Shepard asked Mr. Perry what the situation is with the existing runway. Mr. Perry stated that we’re patching it and have been holding off on crack-sealing due to the expected project. Mr. Metcalfe added that the upside to this is that the Downtown airport is going through construction and that has increased air traffic at our airports. It would be better for the aviation community to have our runway open at this time. Commissioner Wood asked what portion of the project would be paid by the FAA. Mr. Perry responded that 95 percent of the project would be paid by the FAA.

B. Summary of Financials:

There were no questions or comments on the financials.

C. Consider ratifying the February and March expenditures as presented:

MOVED BY MR. DIXON AND SECONDED BY MR. WEISENBURGER TO RATIFY THE FEBRUARY AND MARCH EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

A. Consider approving the 2006 budget submissions to the BoCC.

Mr. Perry updated the board on the 2006 budget and commented that the Airport Commission for 2005 has been self-sufficient. He further added that revenue is based upon existing leases, estimated water flow, rail usage and estimations on what Wausau will use for both. Expenses do not include any unforeseen debt payments, and personnel costs are provided by the Budget office and show a 3-4 percent increase, depending on what healthcare costs might be. Summer hires are included in personnel expense although we may or may not use them this summer. The tower at New Century AirCenter will continue to be fully funded by the FAA. Mr. Weisenburger asked if there was a concern of funding for the tower by FAA. Mr. Perry commented there was no concern at this time, but he did not know what may develop in the future. Commissioner Wood asked why there wasn’t an allocation for replacing the locomotive and when would the Airport Commission anticipate a replacement. Mr. Metcalfe responded that in the past we were not allowed a reserve for capital needs. At this point, we cannot afford to allocate a reserve. We need to cover the operating budget and whatever is leftover, $200,000 to $300,000, is allocated for maintenance and rehabilitation. Commissioner Wood asked if the maintenance schedule is on track for both airports. Mr. Metcalfe replied, due to the CIP process, maintenance has been deferred over the last ten years and we could very easily spend $5,000,000 to $6,000,000 just to catch up.

MOVED BY MR. SHADWICK AND SECONDED BY MR. DIXON TO APPROVE THE 2006
BUDGET FOR SUBMISSION TO THE BOCC AS PRESENTED. APPROVED (6-0).

B. Update on runway ice removal costs.

Chairman Shepard updated the board on the Airport Commission investigation of removing ice on the runways. Mr. Perry presented to the board the cost of using the solid materials and equipment needed in using the Cryotech materials. Mr. Dixon asked Mr. Perry how many days of operations had been lost to icing over the past ten years. Mr. Perry responded that there is usually one ice storm a year that shuts down the airports for two to three days. Mr. Metcalfe added that when there is a lot of snow that melts on the runway and refreezes during the night it can cause ice problems. Mr. Perry commented that if it were decided to pursue this avenue then he recommended doing it for both airports. Commissioner Wood asked if the FBO’s would do anything to help fund the icing costs. Rick Cox, IBT, stated that Executive Beechcraft is in the process of buying the equipment to use on their downtown airports and IBT is willing to pay for the Cryotech materials. Commissioner Wood recommended that Mr. Perry contact the FAA for assistance and revisit the issue again at the next meeting.

C. Consider approving an addendum to the ground lease for Astronomical, Inc., real estate holding company for Roberts & Dybdahl Lumber Co., for an additional 4.87 acres to be added to their facility at 16740 Conestoga Rd., New Century AirCenter.

Mr. Metcalfe updated the board on the addendum to the ground lease of 4.87 acres of Roberts & Dybdahl Lumber Company.

MOVED BY MR. SHADWICK AND SECONDED BY MR. MOORE TO APPROVE THE ADDENDUM TO THE GROUND LEASE FOR ASTRONOMICAL, INC., REAL ESTATE HOLDING COMPANY FOR ROBERTS & DYBDAHL LUMBER CO., FOR AN ADDITIONAL 4.87 ACRES TO BE ADDED TO THEIR FACILITY AT 16740 CONESTOGA RD., NEW CENTURY AIRCENTER AND INCLUDE THE AMOUNT OF THE RENT IN THE LEASE AGREEMENT. APPROVED (6-0).

D. Review proposed site layout for Wausau Supply Co.

Mr. Metcalfe briefed the board on the proposed site layout for the Wausau Supply Company. Mr. Dixon asked if the future expansion areas are optioned or leased. Mr. Metcalfe replied that they would be optioned and the Airport Commission has agreed to waive the option fee for five years. Commissioner Wood asked if the rail spur crosses Conestoga Road. Mr. Metcalfe responded that it did not. Commissioner Wood asked what kind of screening there would be along Moonlight Road. Mr. Metcalfe stated that there would be screening comparable to Roberts & Dybdahl, although the City of Gardner has a right to review the development and it’s possible that their screening expectations may differ from ours. Commissioner Wood asked Mr. Metcalfe if the tenant has an obligation to pay a maintenance fee for the rail spur line. Mr. Metcalfe replied that the rail tenants are responsible for maintaining the track on their property and the Airport Commission is responsible for maintaining all other track. The cost of maintaining the track is built-in to our rates and charges.

E. Report of the President, Southwest Johnson County EDC.
Mr. Kindle briefed the board on current projects and proposals.

VI. BUSINESS FROM THE FLOOR

Bill Nigro, private citizen, stated his concerns regarding a possible new housing development near Executive Airport. Chairman Shepard responded that the process would be addressed with the City of Olathe, Johnson County Airport Commission and the Board of County Commissioners would ultimately have final approval authority.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 11:10 a.m.

______________________________  __________________________
John Wittenborn, Secretary       R. Lee Metcalf, Executive Director
Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. DOWNING TO APPROVE THE MINUTES OF THE APRIL 27, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

No report of the chairman.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

No staff reports.
B. Summary of Financials:

There were no questions or comments on the financials.

C. Consider ratifying the April and May expenditures as presented:

MOVED BY MR. MOORE AND SECONDED BY MR. WITTENBORN TO RATIFY THE APRIL AND MAY EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

A. Review development plans for the Amber Ridge subdivision at 143rd Street & Pflumm Road and make a recommendation to the Board of County Commissioners on the zoning application.

Mr. Metcalfe briefed the board on the development plans for the Amber Ridge subdivision. Mr. Richardson, attorney for the applicant, presented history to the Airport Commission board regarding the development plans and zoning application request for the Amber Ridge subdivision at 143rd Street & Pflumm Road. Mr. Richardson stated that the city of Olathe has primary jurisdiction over this site to make land use decisions, under his interpretation of the Kansas Statutes, and he believes the ability of the Board of County Commissioners to approve this application is strictly limited to determining whether the subdivision would be an airport hazard. Mr. Schlagel, planning consultant, showed the development plan and proposed green space to the Airport Board. Mr. Wittenborn disclosed to the Airport Commission that his wife sits on the Olathe City Commission, but he felt it would not be a conflict in making his decision about this application. Mr. Metcalfe pointed out that the south boundary of the subdivision is the north boundary of the FAA-required runway protection zone, which is an absolute no-build area. Mr. Moore stated that his concern was the noise impacts on the residents of this subdivision. He asked Mr. Richardson if there was market for large lots in developing the land. Mr. Richardson replied that it was proposed to the city of Olathe that all of the new houses would be designed with 1” thick foam board that would suppress the noise. Mr. Richardson stated that anything less than 2.4 units per acre would not be profitable and there is a possibility that they would not be able to get financing. Ms. Dunham, county attorney, clarified a statement made earlier on the statute that the Board of County Commissioners are working under that provides for approval over rezonings within one-mile of the airport. It does not specifically limit that decision-making or approval to airport hazards, it does not use the term “airport hazards” and is not an issue for today or for this forum to debate those kinds of statutory issues. She further clarified that the zoning authority is not limited to airport hazards terminology. Mr. Palos, Johnson County Development Director, updated the board on the guiding principle of the airport’s compatibility plan. Mr. Palos stated that the protection of the public health, safety and welfare is the charge of the Board of County Commission in all of its planning and to protect the investment of the county in terms of the money that it has put into the Executive and New Century airports and the importance of that investment to the community. Mr. Palos gave an example of a couple of recent projects within Overland Park that were compatible land developments. He showed a study of aircraft accidents that occurred throughout the country, over a ten year period, in which data was collected on runways with about the same length as Executive Airport. Aircraft accidents tend to be closer to the end of
the runway and fan out. On June 9, 2005, the BoCC accepted a grant for funding from the FAA for funding of some airport improvements that requires thirty-four assurances in the grant agreement contract, one which is that the County will use its land use regulation authority to protect the airports. Commissioner Wood stated that the specific question is how this subdivision would impact the overall operation and existence of the Executive Airport. The airport could be threatened and forced to close down if not protected with the requirements and recommendations of the FAA. Therefore, there is no benefit from this development to those who use the airport or the community that is there to protect it, and the County faces a huge expense to repay those grants should the airport be limited or closed. Commissioner Wood reminded the airport board of an aircraft accident that occurred this past winter where there were five fatalities just a little over a mile from the airport in a subdivision with slightly larger than one-acre lots. Commissioner Wood’s concern is open space around the airport and the impact on the airport. Mr. Olsen, AOPA (Aircraft Owners and Pilots Association) representative, has stated that the AOPA is strongly against this development in a dense traffic pattern at Executive Airport. He further added that seventy-five feet of a straight line emergency landing area does not suffice with this type of density.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. DOWNING TO RECOMMEND TO THE BOCC ON THE PROPOSED REZONING OF AMBER RIDGE PROPERTY BASED UPON TWO (2) FINDINGS: THE PROPOSED DENSITY IS NOT COMPATIBLE WITH THE AIRPORT COMPATIBILITY PLAN AND THE PROPOSED OPEN SPACE IS NOT SUFFICIENT IN AMOUNT OR LOCATION. APPROVED (6-0).

B. Update on the Airport Master Plans by Coffman Associates.

Mike Dmyterko, Coffman Associates, updated the board on the Airport Master Plans. He stated that the value of the Master Plan is that it has the recommendations available so it will not have to be updated for another fifteen to twenty years. Currently, based upon the national trends, there are two significant airports in the Kansas City area. He further commented that airline cargo services would be significantly impacted since 911. But, what the two airports may attract is non-scheduled cargo or small carriers with very little investment. New Century AirCenter (NCAC) accommodates the corporate operator which cannot easily be accommodated at Executive Airport or Lees Summit. The Master Plan’s focus is on the true needs of the corporate operator. There are about 185 airplanes based at NCAC and projections on jet activity will more than triple over the next twenty years. Current operations, at NCAC, are at a five year low at 53,500, but shows that it will increase to around 92,000. Mr. Wittenborn asked Mr. Dmyterko if operations were peaking at the downtown airport and forcing a shift south to NCAC. Mr. Dmyterko responded that it was definitely a possibility with the downtown airport having limited space for expansion.

C. Report of the President, Southwest Johnson County EDC.

Mr. Kindle updated the board on current projects and proposals.

VI. BUSINESS FROM THE FLOOR

Mr. Perry updated the board on ice and snow removal. The limitation on ice removal is the
equipment or storage for dry pellets. Currently, there is a one-ton truck with a spreader, used for parking lots and the Sheriff’s department, but that uses a salt and sand mix. Mr. Helsel, Facilities Manager, did extensive researching and found a dump truck that could provide a forty-foot spread pattern. The estimated cost would be around $8,000, if it was decided to put a spreader on it. Additional information would be needed for the cost of material, super sacks that would run around 1800 pounds at five pounds per 1,000 square foot. One application, $1300 per super sack, would need to be applied right as it begins to freeze. It would possibly take two applications as well as the cost of employees with blades to scrape the material off as it begins to break up. It would be a policy issue to determine where to place the resources and how to accomplish that for both airports. Mr. Cox, IBT, offered to purchase six super sacks and Executive Beechcraft offered to purchase a full-size dump truck dedicated for the purpose of ice and snow removal. Mr. Perry commented that he would be hesitant to put the county in a position of using material or equipment from someone other than county-controlled and there would be liability issues. Mr. Cox presented snow removal policies of Lees Summit and best practices of the FAA for snow removal and encouraged revising the snow removal policy. Mr. Perry responded that it is county policy that if an employee is called out on overtime, whether it is one-minute or five-minutes, minimum pay for three hours is required. Mr. Shadwick asked what would prevent the county from hiring IBT and Executive Beechcraft for contract services and what liability issues are there that could not be dealt with contractually and with insurance. Mr. Perry replied that county policy requires that those services would have to be bid. Ms. Dunham added that there may also be some HR issues of county employees using non-county equipment. However, contracting is certainly an option. Mr. Meisinger, Executive Beechcraft; Mr. O’Hara, Honeywell; Mr. Jewell, Advanced Aviation; and Mr. Park, KC Business Aviation all expressed their concerns in support of ice and snow removal. Mr. Metcalfe stated that his concerns were the operational aspects and impacts on the budget. Mr. Metcalfe and Mr. Perry will look further into recommendations and proposals.

Mr. O’Hara made a request that taxi-way lights on Charlie, next to the Honeywell hangar, be included in the Airport Master Plan. Mr. Metcalfe responded that it was not an FAA-qualified taxi-way. It would have to be done with county funds and would need to get a cost estimate. Mr. O’Hara asked if Honeywell could have them installed at their own cost or possibly share the cost with the county. Mr. Metcalfe will look into the cost of adding the taxi-way lights.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 11:12 a.m.

John Wittenborn, Secretary                                    R. Lee Metcalfe, Executive Director
JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – July 27, 2005, 9:00 a.m. – New Century, KS

Airport Commission

Present: Messrs. Dixon, Downing, Moore, Shepard, Weisenburger and Wittenborn

Absent:

Staff: Dunham, Metcalfe, Perry, Helsel and Bellinger

Others: Dave Becker, Executive Beechcraft
Greg Kindle, Southwest Johnson County EDC
Dan Meisinger, Executive Beechcraft
Kevin O’Hara, Honeywell

Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. DOWNING AND SECONDED BY MR. DIXON TO APPROVE THE MINUTES OF THE JUNE 22, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

A. Form a nominating committee for election of officers.

Chairman Shepard asked Mr. Dixon to form a committee for selecting a slate of officers to present for election at the next regularly scheduled meeting on August 24.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Perry reminded the board that the New Century AirCenter airfields would be closed, due to runway construction, beginning noon August 12 through noon August 15 and again from noon August 19 through noon August 22. Mr. Wittenborn asked Mr. Perry if there were any provisions for penalties on the contractor. Mr. Perry replied that there is $1,000 a day in penalties stated in the contract and the contractor has 153 calendar days from notice to proceed.

B. Summary of Financials:

There were no questions or comments on the financials.
C. Consider ratifying the June expenditures as presented:

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. DOWNING TO RATIFY THE JUNE EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS


Mr. Metcalfe briefed the board on the Estoppel Agreement request from Collis Equipment Company.

MOVED BY MR. DOWNING AND SECONDED BY MR. WITTENBORN TO APPROVE AN ESTOPPEL AGREEMENT AND CONSENT TO MORTGAGE FOR DAVID COLLIS, PRINCIPAL OF COLLIS EQUIPMENT COMPANY AS PRESENTED. APPROVED (6-0).

B. Consider approving a Transloading Site Agreement for Carload Connection, L.L.C. for the transloading of denatured ethanol from over-the-road tank trailers to rail tank cars for outbound shipment.

Mr. Metcalfe briefly explained what the Transloading Site Agreement consists of and how the Airport Commission would be involved in the storage of ethanol cars. The cars would originate at New Century AirCenter and Carload Connection would be licensing the use of track and the concrete driveway next to the track to transfer ethanol from one year to eighteen months. There is a distillery in Garnett, operated by United Bio Energy, which distills corn into grain alcohol. They sell it for all different uses, including liquor, but, in this particular case they add a denaturing agent which makes it unusable as a beverage. Then it’s sold to fuel blenders to be blended into motor fuel. They are in the process of building a spur to the distillery, which will take them a year to eighteen months to complete and needs a temporary site to load the ethanol onto railcars. They have a specially designed pumping system that has a closed-loop system that uses a pipe to fill the railcar and another one that captures the vapors. We’ve had the fire department look at it and there is a little bit of debate between the trucking company and the codes of what would apply to this operation. If they follow through, on terms of volume, we’re looking at 800 railcars in an eighteen month period. We would receive $150 in revenue from the railroad and a surcharge for the hazmat. Mr. Weisenburger asked if there was a spill prevention program. Mr. Metcalfe replied that legal has talked with the environmental people and there are no state regulations that apply to this particular operation. Ethanol is basically alcohol and water soluble and not considered an environmental hazard. But, they do have a written procedure that we would follow. The issue between the trucking company and the codes people is which set of standards that should apply. The fire codes people are trying to apply codes for a permanent fixed terminal and the trucking company states that they are covered by a different set of regulations. However, we do require in the agreement that they meet all local, state and federal regulations and codes. Mr. Metcalfe added that they also have had talks with transloading DDG (dried distillers grain) that is sold as feed. The place that is being looked at is the Heartland Cement operation and Carload Connection has been in talks with them. Mr.
Dixon asked the weight of the truck tanker and should we be concerned of the weight on the road. Mr. Metcalfe replied that the facility was originally designed to transload portland cement from railcars to trucks, which is heavier than alcohol and added that it is the perfect location for this transloading facility. Mr. Weisenburger stated that anything that might increase railcar traffic on 56 Highway may be a concern. Mr. Moore asked if there would be an increase in cost for track maintenance. Mr. Metcalfe responded that there is a maintenance program that has been budgeted for and most everything has been rehabilitated. More rail traffic will require more frequent maintenance on track, so there is a cost aspect.

MOVED BY MR. MOORE AND SECONDED BY MR. DIXON TO APPROVE A TRANSLOADING SITE AGREEMENT AS PRESENTED. APPROVED (6-0).

C. Discuss allocating $140,000 of uncommitted capital funds for the construction of a sewer main to serve the Wausau Building Supply site and approximately 30 acres of undeveloped land in the southwest portion of the New Century business park.

Mr. Metcalfe gave background information on when Conestoga Street was built and that the sewer line could be extended further to serve the development land to the south. The engineers have determined that Wausau could not be served by a gravity sewer and it cannot be extended any further because it is as high as it will go. We have a preliminary study from the engineers and will be able to add a gravity sewer from the existing sewer main on the west side of the parkway, where the new soccer facility is going in, and that will serve Wausau, ten acres between Wausau and Roberts & Dybdahl, plus twenty or more acres. In some cases where we’ve needed to have infrastructure extended to serve a new tenant we have had the tenant put that infrastructure in on our behalf and have given them credit back. Wausau was planning on doing just that but, because wastewater folks are sometimes a challenge to deal with it and we will wind up paying for it anyway we’ve decided to do it ourselves. Funds have been identified to cover $140,000 that the engineers have estimated. Mr. Dixon asked if that fee included engineering costs. Mr. Metcalfe replied that $24,000 includes design, preparation of the bid package, participation in the bid process in reviewing bids and construction monitoring. Mr. Dixon commented that 18% of the construction cost for engineering services was a little high. Mr. Moore asked what the possibilities that this will become more expensive than we are anticipating. Mr. Metcalfe responded the one unknown would be the depth of the rock. Worst case, the rock will be pretty shallow and will need to blast or drill through most of the way. They will be doing soil boring once the contract has been approved and signed. Mr. Wittenborn asked what percentage of the $140,000 are uncommitted capital funds. Mr. Perry replied that his recommendation would be to take it from two pieces. There is $98,000 leftover from the Highland and Conestoga project account and the remaining amount of $42,000 would come from transfer monies of which there are $206,000 to fund capital projects, unplanned rail and water projects.

MOVED BY MR. DOWNING AND SECONDED BY MR. MOORE TO APPROVE ALLOCATING $140,000 OF UNCOMMITTED CAPITAL FUNDS FOR THE CONSTRUCTION OF A SEWER MAIN TO SERVE THE WAUSAU BUILDING SUPPLY SITE AND APPROXIMATELY 30 ACRES OF UNDEVELOPED LAND IN THE SOUTHWEST PORTION OF THE NEW CENTURY BUSINESS PARK AS PRESENTED. APPROVED (6-0).
D. **Update on ice removal costs.**

Mr. Metcalfe updated the board on a possible solution to ice removal. Mr. Perry stated that Public Works has a large hydraulically driven dump truck that with a snowplow and spreader that is removable, that was slated for auction, for $4,500. We will probably spend another $2,000 getting it mechanically sound. He commented that the Cryotech materials are ordered by minimum quantities of six bags plus shipping costs and would be around $8,400. We'll be able to store them at the powerhouse building. Mr. Wittenborn asked what length of time it would take to de-ice a strip down the center of the runway. Mr. Perry responded that at ten to fifteen miles per hour a forty-foot spreader would cover the length of the runway and that one bag should cover the length of the runway, but, it would still take a little time for the reaction to heat and break things up. Mr. Helsel added that the truck would be set up electronically to apply the material at the proper rate of a full-width spread at one pass. Mr. Metcalfe commented that a policy would need to be developed as to what conditions would occur to apply the materials.

E. **Discuss airport security.**

Mr. Dixon expressed his concerns on airport security, since the bank robber’s attempt to flee at Executive Airport in May, and how wide the access is at both airports. He continued that as a commission that there should be a way to restrict access at both airports. There is nothing to prohibit you from driving onto the runway. Mr. Dixon asked what the cost would be to restrict the areas accessible by automobile. Mr. Metcalfe responded that the biggest challenge would be the T-hangar tenants who currently are able to drive directly to their T-hangars and taxiway system. Mr. Dixon replied that what greatly disturbs him is the fact that people who don’t have a reason to be on the airport have free access and that incident in May could have been tragic. Mr. Moore stated that there is a federal code that restricts access to the airfields. Mr. Wittenborn asked what in-house security precautions are tenants at both airports doing regarding airport security. Mr. Meisinger, Executive Beechcraft, stated that there isn’t much that can be done without a physical fence. All of the hangars are inside a security fence, at the downtown airport, and the gates are keypad entry. All tenants have a code, but it is not totally secure because the T-hangar tenants could give out the code. There is fencing in most of the areas but, it is not totally secure. Chairman Shepard asked if there were special FAA grants, in respect to security, for general aviation airports. Mr. Perry responded there was not and indicated that the Airport Commission was still waiting for six years now to receive the rest of the grant for land that was purchased at Executive Airport. Chairman Shepard made the comment that it is important to keep the businesses operational and as safe as we can. He asked if the county had an interest in helping fund the airport for security. Mr. Moore commented that the airport had the resource of having the Johnson County Sheriff’s department located here at the New Century AirCenter and asked if there had been any discussion’s regarding monitoring the airport. Mr. Metcalfe replied that they had that discussion soon after September 11 and they increased patrolling the airport during that time. He continued that they also had worked with the Olathe police department for Executive Airport. Homeland and transportation security stated that there are 3,600 general aviation airports and no one could afford to secure all of them. Mr. Metcalfe continued that a fence and keypad gate would not keep a terrorist from the airport. Having good security around the airfields would be very expensive, a lot of
maintenance on the gates, increase in staff and operating budget and might have serious financial consequences. Mr. Dixon gave an example of a secure airport that has a keypad operated gate with one entry. Mr. Moore suggested that a memo be sent to all tenants reminding them to be vigilant and report anything that is unusual. Mr. Metcalfe stated that he could have the engineers work up a quick estimate of what would be needed.

F. Report of the President, Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Metcalfe commented that he had a couple of news items that he’d like feedback from the board. The city of Gardner is putting in a new electrical transmission line along Moonlight and has acquired a utility easement from us and they would like to remove the fence to make it easier to place the poles. The deal that was made with the city is that a new fence be placed where the old fence was being removed. Mr. Metcalfe asked the boards input on whether a fence is really needed. The main purpose of the fence was to discourage the kids across the street in the residential area from coming across and messing around with the railcars. Mr. Weisenburger commented that there wasn’t much room between the edge of Moonlight and those power poles and the rail tracks. Mr. Metcalfe agreed that it would be the main reason for having the fence there. Mr. Dixon stated that he would not want to give anyone the cost of the fence and would be willing to go along with them not putting the fence back for the cost of the fence. After further discussion, it was agreed upon by all board members to bill the city for the easement and they would not have to put up a fence. Mr. Moore asked Ms. Dunham if there were unforeseen legal liability issues. Ms. Dunham replied that if a child or someone were injured on our property we would have immunity as a government. Putting that aside, if there was a fence there and children weren’t hurt before and then the fence goes down and then there are children hurt then certainly there may be possible claims made. Also, it could arise even if a fence were there. Mr. Metcalfe will contact the city of Gardner on their point of view on removing the fence.

Mr. Metcalfe stated that the city of Olathe is going to rebuild at the intersection of 151st & Pflumm. They have gone from a very marginal two-lane street to a four-lane street. The engineers, HNTB, have been very good about communicating with Bob and the impacts and issues on the airports. The boundary of that protected area is almost right where our existing fence is and that is the limit to where they can move the street. The city of Olathe has designed the streets to jog to the north. They’ve accommodated our concerns and have allowed for a different approach lighting systems. They also have agreed to place pvc pipe under the roadway so at some point when we get a new lighting system at some point we would not have to cut the road. The city of Olathe needed to acquire a road right-of-way and since the Airport Commission is the majority landowner, because this is our clear zone and bought with FAA money, the city of Olathe will have to pay us for the value of the easement in the amount of $112,185.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 11:12 a.m.
JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – September 28, 2005, 9:00 a.m. – New Century, KS

Airport Commission

Present: Messrs. Dixon, Moore, Shepard, Weisenburger and Wittenborn

Absent: Mr. Downing

Staff: Dunham, Metcalfe, Perry, Helsel and Bellinger

Others: Dave Becker, Executive Beechcraft
Dorothy Blackburn, League of Women Voters
Mike Dmyterko, Coffman & Associates, Inc.
Angelo Fiaturelo, Kansas City Aviation Center
Greg Kindle, Southwest Johnson County EDC
Andy Maysent, HNTB
Ray Olsen, Ray Olsen, L.L.C.
Patrick Taylor, Coffman & Associates, Inc.
Doug Voss, Larrison Construction, Inc.
Commissioner Doug Wood, BoCC

Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. APPROVAL OF MINUTES

MOVED BY MR. WITTENBORN AND SECONDED BY MR. DIXON TO APPROVE THE MINUTES OF THE JULY 27, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (5-0).

II. REPORT OF THE CHAIRMAN

A. The election committee nominated a slate of board members, Mr. Shepard, Chairman; Mr. Moore, Vice Chairman; Mr. Weisenburger, Secretary; and Mr. Wittenborn, Treasurer by unanimous vote.

MOVED BY MR. DIXON AND SECONDED BY MR. WITTENBORN TO APPROVE THE ELECTION NOMINATIONS AS PRESENTED. APPROVED (5-0).

B. Chairman Shepard, on behalf of the Airport Commission, presented Jay Shadwick a plaque and recognized his outstanding dedication and service in representing the Johnson County Airport Commission from July 2002 through July 2005.

C. Chairman Shepard recognized Mr. Metcalfe and Mr. Perry for their efforts earlier this month
when the New Century AirCenter runway was closed for construction and a pilot had requested to get his plane out for relief efforts in the Gulf Coast area. Given the extreme situation on the Gulf Coast, and the way the pilot would be assisting in those efforts, Mr. Metcalfe and Mr. Perry had the runway cleared to make this happen.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Metcalfe commented that the construction of Midwest Soccer is still underway and their plans are to be open in November.

Mr. Perry stated that the runway project is slowly pulling ahead of schedule.

Mr. Wittenborn asked if there were any drainage problems at Executive Airport. Mr. Helsel replied that the drainage is working very well.

B. Summary of Financials:

Commissioner Wood asked if there was still a waiting list for T-hangar’s at both airports. Mr. Metcalfe responded that T-hangar’s was an agenda item for today’s discussion.

C. Consider ratifying the July and August expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WITTENBORN TO RATIFY THE JULY AND AUGUST EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. DISCUSSION ITEMS

A. Update on the Airport Master Plans by Coffman & Associates.

Mr. Metcalfe briefed the board on the recent PAC (Planning Advisory Committee) meeting. Mike Dmyterko, Coffman & Associates, updated the board on the comparison of the old Master Plan versus what the reality is today. Mr. Dmyterko presented several concepts to the board that included airline and cargo, a parallel runway and considerations for future potential at New Century AirCenter. Alternative #1 shows the existing terminal on the east side, east of the parallel, for future development on the infield area that would allow for development of commercial industrial-type facilities with additional aviation capabilities in the infield. The existing terminal would have the continuation of corporate hangars to the south with T-hangar’s and a few more FBO (Fixed Base Operators) hangars to the north. This plan provides for a new air traffic control tower site at the north end of the airport. It would need to be taller than the existing one to visually see both runways. Alternative #2 shows a parallel runway capability that would allow the infield area, along the crosswind towards the east, to be developed for flight line. And, everything behind it could be utilized for industrial park development. There would be a new air traffic control tower site, similar to the one that currently exists, and the height would not be as tall as the other two alternatives due to the close proximity. Alternative
#3 shows the runway being moved further to the east that would allow significant aviation development within the infield terminal development area as well as having an air traffic control tower site in the infield area. The only drawback would be minimizing any future commercial industrial-type of development capabilities to just behind and south of the planned general aviation area. Mr. Wittenborn asked if the red area, on alternatives #2 and #3 on the north end of runway 35, constitute a lengthening of the runway. Mr. Dmyterko responded that because commercial service is a potential, as with other cargo-type operators that may locate here, the FAA could require the plan to be updated to include that. Also, there should be a full category one-type capability from the south as it is from the north. It would increase the runway protection zone size and would require installation of an approach lighting system. Chairman Shepard asked what the process and timeline is for configuring alternative's #1, #2, #3 and final recommendations. Mr. Dmyterko responded that Friday, October 7, is the deadline to submit comments. Once that is complete, another discussion meeting will occur with Mr. Metcalfe and staff for final recommendations and then presented to the PAC and the Airport Commission board before moving forward. Commissioner Wood asked what would be the access to the eastside of the runway. Mr. Dmyterko replied that the access would come from 156th or 159th street. Commissioner Wood asked if there was any contemplation of BNSF (Burlington Northern Santa Fe) and specialized cargo coming in. Mr. Dmyterko responded that they were aware of the BNSF consideration but, the impact would be minimal to the airport. There may be some airfreight component BNSF would desire but, it would be more of a significant impact on the roadway. Mr. Metcalfe commented that David Peel, Johnson County Planning & Development, was at the last PAC meeting and was going to look at the street plans and be part of the next discussions of how to lay out the area, keeping in mind the potential operations of BNSF. When you talk about future facilities there is enough space to accommodate the demand requirements for the next ten to fifteen years. Once you get beyond that, you start to need additional land and will need to look at moving into the infield area or further to the east. You want to always keep in mind and be flexible, because there are possibilities that could speed the need of the facilities up. Commissioner Wood asked if there were any airports that had high-tech commercial businesses. Mr. Dmyterko replied that the old George Air Force base, southern California, is trying to develop more high-tech commercial businesses. Mr. Olsen stated that Memphis is a cargo hub with a very extensive national parts business, started by Federal Express, and has high-end capabilities. Commissioner Wood commented that we are located in the middle of the United States and are a prime location for advantageous opportunities to the area. Mr. Dmyterko continued the presentation with alternative plans for the Executive Airport. He stated that there is a great need to extend the east side parallel taxiway to the end of the runway. The runway, as it currently exists, does not meet FAA standards. Alternative #1 focuses on separating the FBO-type with additional corporate-type activities on the west side of the airport and on the east side would develop additional T-hangar’s. The problem is that there is a significant drop off in terrain as you move south and away from existing facilities and the surface of the pavement is taller than some of the houses. Alternative #2 focuses more on conventional and executive-type hangars at the west/northwest side along Pflumm Street. Alternative #3 shows moving two existing T-hangar’s on the east side of the airport and on the west side, tucking them back in with additional corporate conventional T-hangar’s. Mr. Weisenburger asked Mr. Metcalfe if there is a large request for executive corporate hangars or T-hangar’s. Mr. Metcalfe replied that the only waiting list, for both airports, is for T-hangar’s.
B. Discuss T-hangar options.

Chairman Shepard stated that there is a great interest and need for building new T-hangar’s at both airports. The Airport Commission and the aviation community are supportive of building new T-hangar’s but, where the discussion becomes unraveled is how to pay for them. Mr. Metcalfe stated that subsidization is a matter of perspective and currently $450,000 is netted per year and there is no debt on the existing T-hangar’s. It could be said that the revenue on T-hangers subsidizes other projects. The real issue is whether or not the Airport Commission can cover the $180,000 difference of what the T-hanger’s would generate versus what the debt service would be. Mr. Weisenburger asked what projects would be pulled to cover those costs. Mr. Metcalfe responded that the Wausau lease would generate $90,000 of new revenue along with several expansions that are not currently on our budget. Mr. Moore commented that the idea of subsidizing the aviation side of the airport business is an intelligent leverage of our assets. Mr. Wittenborn stated that the interest rates for commercial development would be going up significantly over the next year and a half as much as 25 to 30 percent. He continued that the Airport Commission needs to address the issue soon or will be out of the arena for being able to afford to do so. In addition, the Airport Commission has assets that are free and clear and if we keep our rent structure where it needs to be annually, then we could be closer then what is anticipated. Angelo Fiaturelo of KCAC (Kansas City Aviation Center), located at Executive Airport, commented that by adding new T-hangar’s at Executive Airport would increase noise and activity. He further added that KCAC is in a residential area and the good neighbor issue does exist but, the greatest problem with airport noise is the touch and goes. Commissioner Wood responded that the BoCC (Board of County Commissioners) would be very cautious in the level of risks and complaints of building new T-hangar’s. Corporate hangars may be more desirable at Executive Airport due to the corporate businesses and the recreational flyers at New Century AirCenter. Although, additional information would be required before the BoCC could make a final decision on the matter. Mr. Weisenburger asked Mr. Perry at what percent increase would be needed to meet the annual net loss. Mr. Perry replied that at there would need to be an increase of 20% on existing and 70% on new T-hangar’s. Mr. Moore commented that we need to be very careful if we limit Executive Airport to corporate operators. Chairman Shepard reminded the board of Executive Airport’s vision statement that states ‘it will continue to be a viable full service general aviation airport serving the needs of both business and recreational aviation in Johnson County and will be self-sufficient in funding for operations and maintenance.’ Mr. Metcalfe stated that realistically the only option for T-hanger’s at Executive Airport, due to the physical constraints, would be to build one block of hangars consisting of 32 to 36 hangars. Mr. Metcalfe stated that staff would update the construction estimates, reconfigure the scheme for Executive Airport for one block of hangars, get updated numbers and revised projections for both airports from Springsted for presentation at the next meeting in October.

C. Report of the President, Southwest Johnson County EDC.

Mr. Kindle updated the board on current projects and proposals.

VI. BUSINESS FROM THE FLOOR
Mr. Wittenborn commented that in order to protect land and air space NCAC would need to own land. In order to preclude governments from owning land and increasing their holdings we have set up zoning commissions. It is the zoning commission to protect our land and our growth for operations. In so doing, we need to work on implementing more teeth in our zoning commissions and rules in those regards. Commissioner Wood replied that the real problem is working with the three government bodies of Gardner, Olathe, and Johnson County’s township zoning boards and planning departments to determine what zoning should be around the two airports. Chairman Shepard added that we also need to balance the individual land-owners rights as well.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 11:00 a.m.

Brad Weisenburger, Secretary

R. Lee Metcalfe, Executive Director
I. APPROVAL OF MINUTES

MOVED BY MR. WITTENBORN AND SECONDED BY MR. DIXON TO APPROVE THE MINUTES OF THE SEPTEMBER 28, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (4-0).

II. REPORT OF THE CHAIRMAN

A. Discuss combining the November and December Airport Commission meetings.

MOVED BY MR. MOORE AND SECONDED BY MR. DIXON TO APPROVE COMBINING THE NOVEMBER AND DECEMBER MEETING FOR DECEMBER 7, 2005 AS PRESENTED. APPROVED (4-0).

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Perry stated that runway 18-36 will reopen at noon on Friday, October 28, 2005. In addition, Holland Corporation, contractor for the runway project and in conjunction with Burns and McDonnell have won this year’s award for asphalt paving and are also in the competition for a national award. Mr. Metcalfe commented that Holland Corporation had won an award at the airport in 1997. The reason the runway number has changed, it previously was 17-35, is because the magnetic heading at the north pole had changed enough that 17-35 is no longer within five degrees
of the actual magnetic heading. Mr. Moore added that in the not too distant future the magnetic poles are supposed to collapse and flip.

B. Summary of Financials:

Mr. Metcalfe stated that the aircraft numbers have decreased considerably due to the runway closure at New Century AirCenter. Mr. Moore asked if that would have a significant affect on FAA funding. Mr. Metcalfe replied that it would not affect funding as we would pick-up aircraft due to the downtown airport closing next year.

C. Consider ratifying the September expenditures as presented:

MOVED BY MR. DIXON AND SECONDED BY MR. WITTENBORN TO RATIFY THE SEPTEMBER EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. DISCUSSION ITEMS

A. Review final recommendations from Coffman Associates on the airfield layout plans for the airports. Discuss alternatives for the extension of runway 18-36 at New Century.

Mike Dmyterko, Coffman & Associates, updated the board on alternatives for the airport Master Plans. Mr. Wittenborn asked Mr. Dmyterko to define, on the Executive Airport plan, what the corporate aviation parcels are. Mr. Dmyterko responded that it allows for an opportunity for a corporate-type development to build. Commissioner Wood asked why new T-hangars on the east side of Executive couldn’t be built perpendicular to the existing ones just south of them. Mr. Dmyterko replied that it would take relocating the drainage ditch and would require a lot more earth work compared to the neighboring ground. Mr. Wittenborn asked if there was any thought to reorganizing the northwest corner of the corporate hangars. Mr. Metcalfe responded that the buildings have been there for at least ten years and that KCAC is in discussions with building a larger hangar. Commissioner Wood asked if the next update could show a profile of the plans that show a side view. Mr. Dmyterko replied that they would and continued with the New Century AirCenter plan. Mr. Weisenburger asked Mr. Metcalfe if the ponds on the airfield will ever go away. Mr. Metcalfe responded that they are part of our licensed sewer treatment plant and we would need to continue maintaining them. When we connect to the sewer system they will no longer be necessary for those purposes, but, may be needed for storm water management. Mr. Dmyterko stated that the primary issue at New Century AirCenter is what to do with the potential of developing a parallel runway situation. The recommended concept is to keep the runway in the plan, move all future hangar development inside the runway configuration, allow for the eastern portion of the configuration, some of it to remain as aviation reserve and some of it for future aviation-type facility building, and behind that the allowance for non-aviation industrial. There is also potential to acquire more land to the south of the airport along the highway for commercial-industrial. Mr. Metcalfe added that part of the land is already owned, but, the property to the south we do not own. However, it’s important that we have absolute control over the land as it is the front door to New Century AirCenter and will have primary access to old highway 56. Mr. Dmyterko commented that they, Coffman Associates, would need more direction from the Airport Commission on the ultimate extension of runway 36. Mr. Weisenburger stated that he believed
the runway extension should remain in the plan for future opportunities. In addition, the runway already is in the protective zone and has gone through the environmental process. Commissioner Wood asked if the air cargo carriers would still be around, by what volume and what other airport is comparable to New Century AirCenter. Mr. Dmyterko responded that Addison Airport, located in Texas, is a comparable airport. It is a reliever in the Dallas-Fort Worth metro-plex with a 7,200 foot runway and has five, 737-200 series, planes flying in and out of Addison. Mr. Moore commented that we would be remiss if we didn’t opt for a second option to keep the utility of the airfield up to that level and gave an example of the airline completion center at Will Rogers’ airport. By removing the runway we would be eliminating the type of carrier operation use to the area. Mr. Metcalfe stated that the runway extension would only be funded by the FAA if there were regular and multiple flights of the airplanes that would need the additional 1,200 feet. Mr. Olsen commented, if intermodal starts up and succeeds, then we already have existing international companies at the airport and it would make sense to leave the runway as it is for future opportunities that intermodal could bring to the area. New Century AirCenter is a viable airport and it would be short-sided to get rid of the runway. Commissioner Wood recommended that the Airport Commission board defer any applications that would come across the desk on any property, within the defined area, until the Master Plan project is complete. Mr. Metcalfe stated that he would compose a letter to the BoCC.

MOVED BY MR. DIXON AND SECONDED BY MR. MOORE TO RECOMMEND INCORPORATING THE EXTENSION OF 1,200 FEET ONTO THE NORTH END OF WHAT WILL BECOME RUNWAY 18-36 AS PRESENTED. APPROVED (5-0).

B. T-Hangar discussion update.

Mr. Perry updated the board on construction costs and revenue bonds for building new T-hangar’s at both airports. Mr. Weisenburger commented that he agreed it was imperative to build additional T-hangar’s. However, to make sure the funds are there to pay for them. Mr. Metcalfe stated there is a group of folks that really want to be accommodated, over 100 at Executive and around 70 to 80 at New Century AirCenter, with additional T-hangar space. Mr. Metcalfe continued that there are two new projects that currently are not in the budget, Wausau and Midwest Soccer Complex, that would more than cover the $140,000 cost and impact on the bottom-line is neutral to positive. Chairman Shepard recommended, as a group, that the Airport Commission board meet in a strategic planning session to establish the priorities concerning the Master Plan, building T-Hangars and self-sufficiency. Chuck Nuffer, T-hanger tenant, expressed his concerns surrounding the building of new T-hangars and how it directly affects his business. Mr. Olsen stated that he would like a decision to be made. It has been several years that the Airport Commission has been discussing the pros and cons of building new T-hangars and he recommended inputting a non-refundable deposit for those who are serious about being on the waiting list. That may generate a more realistic waiting list number. Mr. Dixon asked Mr. Nuffer, if given the opportunity, would he buy his own T-hangar. Mr. Nuffer responded that he would be interested. Mr. Dixon continued that he recommended having the discussion of condominium-type of T-hangars. Mr. Metcalfe stated that land could not be sold, but, would continue to be leased. Mr. Dixon noted that engineering service fees continue to be an issue. Chairman Shepard summarized the discussions and recommended establishing priorities in determining whether the Airport Commission is interested in purchasing land
and/or building new T-hangars. Mr. Moore recommended building new T-hangars and to look at other avenues for purchasing land. Mr. Wittenborn agreed Mr. Moore’s recommendations.

MOVED BY MR. MOORE AND SECONDED BY MR. DIXON TO APPROVE BUILDING NEW T-HANGARS, 14 SMALL AT OJC AND 28 NEW AT IXD, WITH THE UNDERSTANDING TO CONTINUE ADDRESSING THE ISSUE OF CONDOMINIUM-TYPE HANGARS. ALSO, TO ACCEPT $143,447 INTO THE BUDGET FOR NEW T-HANGAR DEVELOPMENT AS PRESENTED. APPROVED (5-0).

C. Consider approving an addendum to Collis Equipment Company’s lease to add 2 acres of land for expanded outside storage at Collis’s existing facility at 295 New Century Parkway.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO APPROVE AN ADDENDUM TO COLLIS EQUIPMENT COMPANY’S LEASE TO ADD 2 ACRES OF LAND FOR EXPANDED OUTSIDE STORAGE AT COLLIS’ EXISTING FACILITY AT 295 NEW CENTURY PARKWAY AS PRESENTED. APPROVED (5-0).

D. Consider approving a new lease for ACDC Investments, L.L.C. (Dave Collis) for a .67 acre hangar pad site on Taxilane AA for the construction of a 10,000 sq. ft. private hangar.

Mr. Metcalfe briefed the board on a new lease for ACDC Investments, L.L.C. for the construction of a 10,000 sq. ft. private hangar.

MOVED BY MR. DIXON AND SECONDED BY MR. MOORE TO APPROVE A NEW LEASE FOR ACDC INVESTMENTS, L.L.C. (DAVE COLLIS) FOR A .67 ACRE HANGAR PAD SITE ON TAXILAND AA FOR THE CONSTRUCTION OF A 10,000 SQ. FT. PRIVATE HANGAR AS PRESENTED. APPROVED (5-0).

E. Consider approving an addendum to Garmin International’s lease to add 4 acres of land for the expansion of Garmin’s hangar facility at New Century AirCenter.

MOVED BY MR. DIXON AND SECONDED BY MR. WEISENBURGER TO APPROVE AN ADDENDUM TO GARMIN INTERNATIONAL’S LEASE TO ADD 4 ACRES OF LAND FOR THE EXPANSION OF GARMIN’S HANGAR FACILITY AT NEW CENTURY AIRCENTER AS PRESENTED. APPROVED (5-0).

F. Report of the President, Southwest Johnson County EDC.

Mr. Kindle updated the board on current projects and proposals.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:55 a.m.
JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – December 7, 2005, 9:00 a.m. – New Century, KS

Present: Messrs. Dixon, Downing, Moore, Shepard, and Wittenborn

Absent: Mr. Weisenburger

Staff: Dunham, Metcalfe, Perry, Helsel and Bellinger

Others: Andy Maysent, HNTB
         Greg Kindle, Southwest Johnson County EDC
         Ray Olsen, Ray Olsen, L.L.C.

Chairman Shepard called the meeting to order at 9:00 a.m.

(NOTE: Heading, paragraph numbers and letters correspond to agenda numbers and letters. Items are listed in order of discussion.)

I. **APPROVAL OF MINUTES**

MOVED BY MR. WITTENBORN AND SECONDED BY MR. DOWNING TO APPROVE THE MINUTES OF THE OCTOBER 26, 2005 MEETING AS PRINTED AND DISTRIBUTED. APPROVED (4-0).

II. **REPORT OF THE CHAIRMAN**

   A. Discuss combining the January and February Airport Commission meetings.

MOVED BY MR. MOORE AND SECONDED BY MR. DIXON TO APPROVE COMBINING THE JANUARY AND FEBRUARY MEETING TO FEBRUARY 8, 2006 AS PRESENTED. APPROVED (4-0).

IV. **EXECUTIVE SUMMARY**

   A. Review staff reports:

   Chairman Shepard asked if the Airport Commission would always be in the water business. Mr. Metcalfe replied that the City of Gardner was interested in taking it over, at one time, and it was decided that it would not be a revenue generator for them. Chairman Shepard asked what the County or staff’s perspective is on annexation. Mr. Metcalfe responded that at some point it may make sense when the southwest part of the park becomes developed. The problem that the City of Gardner has is the water system and so much of the property is tax-exempt. It would cost more to provide municipal services then what would be generated from property taxes. Mr. Wittenborn asked when Midwest Soccer will start paying rent. Mr. Metcalfe stated that the normal practice is when they occupy the building. Ms. Dunham added that sometimes a drop-dead date is applied. Mr. Downing asked how the new Sprint merger will affect the company located here at New Century. Mr. Kindle replied, currently, that it should have no impact or changes. Mr. Wittenborn
asked who negotiates the tax abatement of the leases. Mr. Metcalfe responded that it has changed a lot and his predecessor typically approved tax abatements or tax-exemption for the duration of the lease. The appraiser office’s opinion, at one point, was the exemption was only valid for the initial term of the lease. With the Sprint North Supply scenario, if the building were to be sold, a new lease would be made and the exemption would go away. Ms. Dunham stated that new leases would go on the tax roll. Chairman Shepard asked how Sprint North Supply would be able to keep the building off of the tax roll. Ms. Dunham replied that if it is the same entity, then they would remain tax-exempt. However, if it would be sold to a new lessee, then it would be on the tax roll. Mr. Metcalfe commented that the downside of, rent in lieu of tax-clause, the land rent would not go away and the building rent of $700,000 a year would go away.

B. Summary of Financials:

Mr. Dixon asked what the overall contract value for the runway work of 17/35 and 18/36. Mr. Perry responded that it was around $4,000,000 and of that the construction part was about $3,600,000.

C. Consider ratifying the October and November expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. MOORE TO RATIFY THE OCTOBER AND NOVEMBER EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. DISCUSSION ITEMS

A. Consider approving a rent credit for Wausau Supply Co. for the extension of the water main to serve their site and for a temporary wastewater holding tank.

Mr. Metcalfe briefed the board on the process of why rent credit is requested for the Wausau project. The water and sewer was not designed completely, did not extend to the property and was not discovered until after the lease was signed.

MOVED BY MR. DIXON AND SECONDED BY MR. WITTENBORN TO APPROVE A RENT CREDIT FOR WAUSAU SUPPLY CO. FOR THE EXTENSION OF THE WATER MAIN TO SERVE THEIR SITE AND FOR A TEMPORARY WASTEWATER HOLDING TANK AS PRESENTED. APPROVED (5-0).

B. T-Hangar waiting list discussion.

Mr. Perry presented to the board a draft-letter that will be mailed out to all persons currently on the T-hangar waiting list requesting a $100 deposit to be on the list. The deposit amount will go towards being on the waiting list and not charged separately for each list. Mr. Moore asked if subletting was still an issue and if it needed to be addressed. Mr. Metcalfe responded that it indeed is an issue and it is hard to police. Ms. Dunham added that the leases are month-to-month and there is nothing stopping us from terminating a lease once we are aware of subletting.

MOVED BY MR. DIXON AND SECONDED BY MR. WITTENBORN TO APPROVE THE DRAFT
LETTER REQUESTING A $100 DEPOSIT TO BE ON THE T-HANGAR WAITING LIST WITH ADDING AN EXPLANATION OF THE PLANNING PROCESS FOR BUILDING NEW T-HANGARS AND A REQUEST FOR AN EMAIL ADDRESS AS PRESENTED. APPROVED (5-0).


Mr. Dixon asked what progress has been made for looking into ways to restrict unauthorized access to ramps and runways. Mr. Perry responded that he is waiting on an estimate on the cost of doing a security survey at both airports. Mr. Dixon commented that it is still an area of concern and he would like Mr. Perry to do a follow-up.

C. Consider renewing the Southwest Johnson County EDC Contract Agreement.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO RENEW THE SOUTHWEST JOHNSON COUNTY EDC CONTRACT AGREEMENT AS PRESENTED. APPROVED (5-0).

D. Report of the President, Southwest Johnson County EDC.

Mr. Kindle updated the board on current projects and proposals.

VI. BUSINESS FROM THE FLOOR

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:13 a.m.

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Brad Weisenburger, Secretary               R. Lee Metcalfe, Executive Director