

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, January 25, 2012 – 9:00 a.m.

- I. **APPROVAL OF MINUTES** for the October 26, 2011 meetings.
- II. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the October, November, and December 2011 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider recommending to the Board of County Commissioners adoption of an Economic Development Incentives Policy for New Century AirCenter.
 - B. Consider approving an Amendment to Lease for Executive Beechcraft.
 - C. Discuss T-hangar vacancies.
 - D. Consider approving the 2012 Contract for the Southwest Johnson County EDC.
 - E. Consider approving the 2012 Marketing Agreement for the Southwest Johnson County EDC.
 - F. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – January 25, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Raynor, Webb, Weisenburger, and Wittenborn

Absent: Messrs. Dixon, Moore and Ms. Aron

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Chad Coyl, Butler National Corporation

Mike Dolin, hangar tenant

Greg Gibson, Signature Flight Support

Jo Ella Hoye, County Manager's Office

Ray Olsen, Ray Olsen LLC/AOPA

Bryan Orr, Signature Flight Support

Tom Riederer, Southwest Johnson County EDC

Acting Chairman Raynor 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. WEBB AND SECONDED BY MR. WITTENBORN TO APPROVE THE MINUTES OF THE OCTOBER 26, 2011 MEETING AS PRESENTED. APPROVED (4-0).

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Webb asked Mr. Metcalfe if Superior Feed had begun utilizing the rail facilities. Mr. Metcalfe responded that Superior Feed Ingredients, Inc. is in the planning process and expects them to become long-term tenants.

Mr. Perry discussed the 2013 budget and stated he would present a draft before the commission for approval at the February Airport Commission meeting.

B. Summary of Financials:

Mr. Perry reported that the end-of-year financials for 2012 would be ready to close out soon. There was a fair amount of carryover of which \$700,000 was because of a land sale. Mr. Wittenborn commented about the number of open positions within the Airport. Mr. Perry replied there are open positions and no plans to fill them in the near future. The Airport is staffed and in good shape with the number of employees we currently have. Mr. Metcalfe added that typically there are three to four seasonal workers that are hired, during the summer, to help with weeding and mowing.

C. Consider ratifying the October, November and December 2011 expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WEISENBURGER TO RATIFY THE OCTOBER, NOVEMBER AND DECEMBER 2011 EXPENDITURES AS PRESENTED. APPROVED (4-0).

V. DISCUSSION ITEMS

A. Consider recommending to the Board of County Commissioners the adoption of an Economic Development Incentives Policy for New Century AirCenter.

Mr. Metcalfe presented the policy to the commission for their review and recommendation to the Board of County Commissioners for approval.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WEISENBURGER TO APPROVE AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THE ADOPTION OF AN ECONOMIC DEVELOPMENT INCENTIVES POLICY FOR NEW CENTURY AIRCENTER AS PRESENTED. APPROVED (4-0).

B. Consider approving an Amendment to Lease for Executive Beechcraft.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WEBB TO APPROVE AN AMENDMENT TO LEASE FOR EXECUTIVE BEECHCRAFT AS PRESENTED. APPROVED (4-0).

C. Discuss T-hangar vacancies.

Mr. Metcalfe briefed the commission on the decreasing demand for t-hangars due to escalating costs of owning and flying an aircraft, shrinking pilot population, increase of insurance costs, and federal user fees. The longest a t-hangar has sat empty has been seven months. Mr. Perry stated that typically there are six to seven vacant hangars a year and now it's more around fifteen. Mr. Metcalfe commented that there is no action that needs to be taken at this time. He just wanted the commission to be aware of the change in turnovers for t-hangar vacancies.

D. Consider approving the 2012 Contract for the Southwest Johnson County EDC.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO APPROVE THE 2012 CONTRACT FOR THE SOUTHWEST JOHNSON COUNTY EDC AS PRESENTED.

APPROVED (4-0).

- E. Consider approving the 2012 Marketing Agreement for the Southwest Johnson County EDC.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO APPROVE THE 2012 MARKETING AGREEMENT FOR THE SOUTHWEST JOHNSON COUNTY EDC AS PRESENTED. APPROVED (4-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Olsen asked if there were issues in using deicing materials on the runway. Mr. Metcalfe responded that tests had been made and there are no issues. Mr. Perry added that the deicing materials used, Cryogenics, are FAA approved.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:05 a.m.

**MOVED BY MR. WEBB AND SECONDED BY MR. WITTENBORN TO ADJOURN.
APPROVED (4-0).**

John Wittenborn, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, February 22, 2012 – 9:00 a.m.

- I. **APPROVAL OF MINUTES** for the January 25, 2012 meetings.
- II. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the January 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider approving a Transloading Site Agreement for Superior Feed Ingredients, LLC.
 - B. Consider approving an Amendment to the Lease Agreement for Executive Beechcraft, Inc., Hangar 4 at 260 Gardner Drive.
 - C. Consider approving an Amendment to the Second Fuel Storage Agreement for Executive Beechcraft, Inc.
 - D. Dave Swickard of Geese Police, Inc. to discuss his services.
 - E. Discuss Proposed 2013 Budget and CIP.
 - F. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – February 22, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Dixon, Moore, Raynor, Webb, Weisenburger, Wittenborn, and Ms. Aron

Absent:

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Mike Dolin, hangar tenant
Sherburne Dunn, Harmony View West Association
Greg Gibson, Signature Flight Support
Jo Ella Hoye, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, Johnson County BoCC
Dave Swickard, Geese Police, Inc.

Vice Chairman Moore 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. WEBB AND SECONDED BY MR. WITTENBORN TO APPROVE THE MINUTES OF THE JANUARY 25, 2012 MEETING AS PRESENTED. APPROVED (7-0).

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

No additions to Staff Reports.

B. Summary of Financials:

No additions to the Summary of Financials.

- C. Consider ratifying the October, January 2012 expenditures as presented:

MOVED BY MR. RAYNOR AND SECONDED BY MR. WITTENBORN TO RATIFY THE JANUARY 2012 EXPENDITURES AS PRESENTED. APPROVED (7-0).

V. DISCUSSION ITEMS

- A. Consider approving a Transloading Site Agreement for Superior Feed Ingredients, LLC.

Mr. Metcalfe briefed the board on Superior Feed Ingredients, LLC. Superior Feed, a grain broker, exports grain and feed products back to the Far East. They also do blending of poultry food for one of their biggest customers, Tyson. Performance deadlines will be put in place for the site agreement.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO APPROVE A TRANSLOADING SITE AGREEMENT FOR SUPERIOR FEED INGREDIENTS, LLC AS PRESENTED. APPROVED (7-0).

- B. Consider approving an Amendment to the Lease Agreement for Executive Beechcraft, Inc., Hangar 4 at 260 Gardner Drive.

Mr. Metcalfe gave brief history on HMRS, Holdings, L.L.C., Executive Beechcraft and Signature Flight Support.

MOVED BY MR. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE AN AMENDMENT TO THE LEASE AGREEMENT FOR EXECUTIVE BEECHCRAFT INC., HANGAR 4 AT 260 GARDNER DRIVE AS PRESENTED. APPROVED (7-0).

- C. Consider approving an Amendment to the Second Fuel Storage Agreement for Executive Beechcraft, Inc.

MOVED BY MR. DIXON AND SECONDED BY MR. RAYNOR TO APPROVE AN AMENDMENT TO THE SECOND FUEL STORAGE AGREEMENT FOR EXECUTIVE BEECHCRAFT INC. AS PRESENTED. APPROVED (7-0).

- D. Dave Swickard of Geese Police, Inc. to discuss his services.

Mr. Swickard made presentation to the Airport Commission of his company's services of geese removal by utilizing Border Collies. The Border Collies go through a three-year training program specifically for controlling birds and wildlife. Mr. Swickard will meet with staff and present a formal proposal, for board consideration, at the next board meeting in March.

- E. Discuss Proposed 2013 Budget and CIP.

Mr. Perry presented the proposed 2013 Budget and CIP (Capital Improvement Program). He stated that the FAA grant program has recently changed. CIP grants went from 95% FAA

funded to 90%. That means repayment to the FAA on future grants has now doubled from 5% to 10%. Mr. Metcalfe commented that the Airport Commission's fund balance is well over \$5,000,000 million.

F. Report of the President, Southwest Johnson County EDC

Mr. Riederer was out of town on business for a RILA (Retail Industry Leaders Association) convention and unable to attend.

VI. BUSINESS FROM THE FLOOR

Mr. Webb asked if the county has made training available to employees on personal use of county equipment. Ms. Dunham responded that Human Resources have training and policies in place for all county employees. Mr. Metcalfe stated he would add as a discussion item at the next all-hands meeting with Airport Commission employees.

Mr. Webb asked Mr. Metcalfe if there are plans to have a retreat for the board and staff in the near future. Mr. Metcalfe replied that there have been regular planning retreats in the past and will take into consideration for a future retreat.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:38 a.m.

**MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO ADJOURN.
APPROVED (7-0).**

Bill Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, March 28, 2012 – 9:00 a.m.

- I. **AIRPORT COMMISSION MEETING.**
- II. **APPROVAL OF MINUTES** for the February 22, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the February 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider approving an Option to Lease Land Agreement for Penny's Concrete, Inc.
 - B. Consider approving a Service Agreement with Dave Swickard, Geese Police, for geese removal at Executive Airport (OJC).
 - C. Discuss proposed 2013 Budget.
 - D. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – March 28, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Dixon, Moore, Raynor, Webb, Weisenburger, and Wittenborn

Absent: Ms. Aron

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Mike Dolin, hangar tenant
Jo Ella Hoye, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, Johnson County BoCC
Tom Riederer, Southwest Johnson County EDC

Acting Chairman Raynor called the meeting to order at 9:04 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 FEBRUARY 22, 2012 MEETING AS PRESENTED. APPROVED (5-0).

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Webb asked if the company that does aircraft salvaging does their work inside the building. Mr. Metcalfe replied that all work is done inside the building.

Mr. Metcalfe reintroduced Jo Ella Hoye from the County Manager's Office. Ms. Hoye presented a flyer with information on how to use the County's Citizen Engagement Budget Simulator and encouraged everyone to go online at <http://jocogov.org>.

B. Summary of Financials:

Mr. Webb asked if hangar rental revenue included all rentals on the property or just t-hangar rental. Mr. Perry responded it was t-hangar rental only.

Mr. Wittenborn asked if there were any changes in aircraft traffic operations by individuals at Executive Airport. Mr. Perry replied that aircraft traffic operations are not tracked by individual tenants. Aircraft traffic operations, as a whole, are tracked by the FAA.

- C. Consider ratifying the February 2012 expenditures as presented:

MOVED BY MR. WEBB AND SECONDED BY MR. WITTENBORN TO RATIFY THE FEBRUARY 2012 EXPENDITURES AS PRESENTED. APPROVED (4-1). MR. DIXON OPPOSED.

V. **DISCUSSION ITEMS**

- A. Consider approving an Option to Lease Land Agreement for Penny's Concrete, Inc.

Mr. Metcalfe updated the board on Penny's Concrete's batch plant development. Their Option to Lease Land Agreement is about to expire and they are requesting another Option to Lease Land Agreement.

MOVED BY MR. DIXON AND SECONDED BY MR. WITTENBORN TO APPROVE AN OPTION TO LEASE LAND AGREEMENT FOR PENNY'S CONCRETE, INC. AS PRESENTED. APPROVED (5-0).

- B. Consider approving a Service Agreement with Dave Swickard, Geese Police of Kansas City, for geese removal at Executive Airport (OJC).

Mr. Perry briefed the board on the Service Agreement for Geese Police of Kansas City. After a lengthy discussion, it was approved by the board to approve the Service Agreement with the modifications of a three (3) month introductory period to monitor their services.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. DIXON TO APPROVE A THREE (3) MONTH INTRODUCTORY PERIOD, SERVICE AGREEMENT FOR GEESE POLICE OF KANSAS CITY. APPROVED (4-0-1). MR. WEBB ABSTAINED.

- C. Discuss proposed modular building for Air Associates at Executive Airport.

Mr. Metcalfe discussed with the board the interest of Air Associates bringing in modular buildings, temporarily, to house the recently acquired mapping business at Executive Airport. Representatives from Air Associates will be at the April meeting to present before the board.

Vice Chairman Moore joined the meeting at 9:35 a.m.

- D. Discuss timing of a strategic planning retreat.

Mr. Metcalfe addressed the board on Mr. Perry's upcoming retirement at the end of the year and requested the strategic planning retreat be placed on hold until his replacement has been hired. He felt that it was important that the new person be involved in discussion, as the person hired

for the Deputy Director position ultimately would be the prime candidate to replace Mr. Metcalfe as Executive Director when he retires in approximately a year and a half. All board members agreed to delay the strategic planning retreat and several requested to participate in the interview and hiring process.

E. Discuss proposed 2013 budget.

Mr. Perry presented the proposed 2013 Budget and asked the board for approval.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WEISENBURGER TO APPROVE THE PROPOSED 2013 BUDGET AS PRESENTED. APPROVED (6-0).

F. Report of the President, Southwest Johnson County EDC

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Metcalfe stated that due to the economy, decline in participation and increasing costs, that the Johnson County Airport Commission Annual Invitational Golf Tournament would not be continued. The consensus of the board is to discontinue the annual tournament.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:09 a.m.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO ADJOURN. APPROVED (7-0).

Bill Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – April 25, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Dixon, Raynor, Webb, and Weisenburger

Absent: Messrs. Moore and Wittenborn

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Commissioner Jim Allen, Johnson County BoCC
Commissioner Michael Ashcraft, Johnson County BoCC
Rhet Cantrell, Air Associates
Tom Cargin, Air Associates
Bob Dodson, Jr., Dodson International, Inc.
Chairman Ed Eilert, Johnson County BoCC
Jo Ella Hoyer, County Manager's Office
Melissa McChesney, Johnson County Manager's Office
William McCombs, private citizen
Commissioner Jason Osterhaus, Johnson County BoCC
Stephen Powell, Johnson County Clerk of the BoCC
Tom Riederer, Southwest Johnson County EDC
Hannes Zacharias, Johnson County Manager's Office

Acting Chairman Raynor called the meeting to order at 9:00 a.m. and turned the meeting over to Johnson County Chairman Ed Eilert.

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

I. JOINT BOARD OF COUNTY COMMISSIONERS/AIRPORT COMMISSION MEETING

Chairman Eilert welcomed everyone to the annual Joint Board of County Commissioners and Airport Commission meeting. After self-introductions, Chairman Eilert asked Mr. Metcalfe to give an overview of the Airport Commission's financials and projects.

At 9:58 a.m., after a question and answer session, the Joint Board of County Commissioners and Airport Commission meeting adjourned.

At 10:05 a.m., after a brief break, Acting Chairman Bill Raynor called the regularly scheduled Airport Commission meeting to order.

II. APPROVAL OF MINUTES

MOVED BY MR. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE THE MINUTES OF THE MARCH 28, 2012 MEETING AS PRESENTED. APPROVED (4-0).

III. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

No additions to Staff Reports.

B. Summary of Financials:

No additions to the Summary of Financials.

C. Consider ratifying the March 2012 expenditures as presented:

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. DIXON TO RATIFY THE MARCH 2012 EXPENDITURES AS PRESENTED. APPROVED (4-0).

V. DISCUSSION ITEMS

A. Consider approving a Second Amendment to Lease and Service Agreement for Honeywell International, Inc.

MOVED BY MR. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE A SECOND AMENDMENT TO LEASE AND SERVICE AGREEMENT FOR HONEYWELL INTERNATIONAL, INC. AS PRESENTED. APPROVED (4-0).

B. Consider approving an Assignment from Superior Feed Ingredients LLC to Riverbend Grain & Livestock LLC of the Transloading Site Agreement for the former Heartland Cement site.

MOVED BY MR. DIXON AND SECONDED BY MR. WEISENBURGER TO APPROVE AN ASSIGNMENT FROM SUPERIOR FEED INGREDIENTS LLC TO RIVERBEND GRAIN & LIVESTOCK LLC OF THE TRANSLOADING SITE AGREEMENT FOR THE FORMER HEARTLAND CEMENT SITE AS PRESENTED. APPROVED (4-0).

C. Consider approving a proposal of a modular building for Air Associates, Inc. at Executive Airport.

Mr. Metcalfe introduced Tom Cargin of Air Associates and his interest in bringing a modular

building, temporarily, to house their recently acquired mapping business at Executive Airport. Mr. Cargin updated the board on the complete remodeling and upgrading to the building that has been done over the last ten years, since he acquired Air Associates. He invited everyone out to tour the facility on Saturday, April 28. They are having a Cessna Demo Day which includes jet rides, pancake breakfast and an FAA Safety Seminar. Mr. Weisenburger asked what the length of time would be for housing the temporary modular building. Mr. Cargin replied he anticipated it being for two years, at the latest. Mr. Weisenburger stated he hesitated approving the request because of concerns that there may be an extension request at the end of two years. Mr. Dixon responded that he had no qualms and recommended approving the request. Mr. Metcalfe added that an agreement would be composed and brought back before the Airport Commission for formal approval at next month's meeting.

MOVED BY MR. DIXON AND SECONDED BY MR. WEBB TO APPROVE A PROPOSAL OF A MODULAR BUILDING FOR AIR ASSOCIATES, INC. AT EXECUTIVE AIRPORT AS PRESENTED. APPROVED (4-0).

D. Report of the President, Southwest Johnson County EDC

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Bob Dodson, Jr., Dodson International, made comment on the County board appointments and agreed they should be made by the best qualified person. Secondly, he asked the Airport Commission look into tax abatement exponentially. Lastly, he gave praise to the board in regard to their approval of Air Associates request.

Mr. Webb asked Mr. Metcalfe to look at option dates for the Fall Strategic Planning meeting.

Acting Chairman Raynor appointed Mr. Weisenburger as Secretary for today's meeting.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:39 a.m.

MOVED BY MR. WEBB AND SECONDED BY MR. DIXON TO ADJOURN. APPROVED (4-0).

Bill Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING

AGENDA

One New Century Parkway
New Century, KS 66031

Wednesday, April 25, 2012 – 9:00 a.m.

- I. **JOINT BOCC/AIRPORT COMMISSION MEETING**
- II. **APPROVAL OF MINUTES** for the March 28, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the March 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider approving a Second Amendment to Lease and Service Agreement for Honeywell International, Inc.
 - B. Consider approving an Assignment from Superior Feed Ingredients LLC to Riverbend Grain & Livestock LLC of the Transloading Site Agreement for the former Heartland Cement site.
 - C. Consider approving a proposal of a modular building for Air Associates, Inc. at Executive Airport.
 - 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, KS 66031

Wednesday, May 22, 2012 – 9:00 a.m.

- I. **AIRPORT COMMISSION MEETING**
- II. **APPROVAL OF MINUTES** for the April 25, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the April 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consent to Leasehold Mortgage for Steel & Pipe Supply Company, Inc.
 - B. Consent to Leasehold Mortgage for Heartland Precision Fasteners, Inc.
 - C. Consider accepting an FAA Grant for the OJC taxi lane design project.
 - D. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – May 23, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Dixon, Moore, Raynor, Webb, Weisenburger, and Wittenborn

Absent:

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Sherburne Dunn, Harmony View West Homes Association
Dave Hadel, Burns & McDonnell
Jo Ella Hoye, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Tom Riederer, Southwest Johnson County EDC

Vice Chairman Moore 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. WEBB AND SECONDED BY MR. RAYNOR TO APPROVE THE MINUTES OF THE APRIL 25, 2012 MEETING AS PRESENTED. APPROVED (5-0).

Mr. Weisenburger joined the meeting at 9:01 a.m.

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Dixon asked if the sale of the Honeywell hangar was for the leasehold only. Mr. Metcalfe responded that it is only for the leasehold.

Mr. Perry commented that construction on the taxi way was underway. Mr. Wittenborn asked how the closures would affect the Honeywell and Garmin hangars. Mr. Perry replied there would be two periods of five days each there will be closures. The first closing will be to connect the temporary taxi way and the second closing to connect the new taxi way.

B. Summary of Financials:

Mr. Moore asked if there has been an increase in fuel flowage fees. Mr. Perry stated that there has been an increase in flights which has increased the sale of fuel. Mr. Wittenborn asked who handles the military fuel contract. Mr. Perry replied that Signature Flight Support has the contract with the military.

C. Consider ratifying the April 2012 expenditures as presented:

MOVED BY MR. DIXON AND SECONDED BY MR. WEBB TO RATIFY THE APRIL 2012 EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

A. Consent to Leasehold Mortgage for Steel & Pipe Supply Company, Inc.

MOVED BY MR. WEBB AND SECONDED BY MR. DIXON TO CONSENT TO A LEASEHOLD MORTGAGE FOR STEEL & PIPE SUPPLY COMPANY, INC. AS PRESENTED. APPROVED (6-0).

B. Consider to Leasehold Mortgage for Heartland Precision Fasteners, Inc.

MOVED BY MR. WEBB AND SECONDED BY MR. DIXON TO CONSENT TO A LEASEHOLD MORTGAGE FOR HEARTLAND PRECISION FASTENERS, INC. AS PRESENTED. APPROVED (6-0).

C. Consider accepting an FAA Grant for the OJC taxi lane design project.

Mr. Perry briefed the board on an FAA Grant to redesign the OJC taxi lane.

MOVED BY MR. WEBB AND SECONDED BY MR. WITTENBORN TO ACCEPT AN FAA GRANT FOR THE OJC TAXI LANE DESIGN PROJECT AS PRESENTED. APPROVED (6-0).

D. Report of the President, Southwest Johnson County EDC

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Metcalfe discussed scheduling a Strategic Planning Retreat with the Airport Commission board for a mid-October timeframe. Details for the retreat will be confirmed when they are finalized.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 9:47 a.m.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WEBB TO ADJOURN. APPROVED (6-0).

(Revised – July 23, 2012)

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING

AGENDA

One New Century Parkway
New Century, KS 66031

Wednesday, July 25, 2012 – 9:00 a.m.

- I. **AIRPORT COMMISSION MEETING**
- II. **APPROVAL OF MINUTES** for the May 22, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
 - a. Introduction of new Airport Commission board member (1st District) – Lee Harris
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the May and June 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Discuss a request from Tom Cray to change the policy on large T-hangars to limit them to larger aircraft requiring the wider span door.
 - B. Consider approving an Extension for Services agreement for Geese Police.
 - C. Consider approving an Amendment to Lease for Ferrellgas, LP.
 - D. Consider approving a Third Amendment to Lease and Service Agreement for Honeywell International, Inc.
 - E. Discuss policy for maintenance of non-based “managed” aircraft.
 - F. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – July 25, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Harris, Raynor, Webb, and Weisenburger

Absent: Messrs. Dixon, Moore and Wittenborn

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: David Clark, Vestcom
Mike Dolin, hangar tenant
Jo Ella Hoyer, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Tom Riederer, Southwest Johnson County EDC
Tom Stellwag, New Century Air Service

Acting Chairman Raynor called the meeting to order at 9:04 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. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE THE MINUTES OF THE MAY 23, 2012 MEETING AS PRESENTED. APPROVED (4-0).

II. REPORT OF THE CHAIRMAN

A. Introduction of new Airport Commission board member.

Acting Chairman Raynor introduced new Airport Commission board member, Lee Harris. He is fulfilling the 1st District position, replacing Suzie Aron.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Metcalfe updated the board on a search for Mr. Perry's replacement as Deputy Director. Mr. Perry will be retiring in October of this year.

B. Summary of Financials:

No additions to the Summary of Financials.

C. Consider ratifying the May and June 2012 expenditures as presented:

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WEBB TO RATIFY THE MAY AND JUNE 2012 EXPENDITURES AS PRESENTED. APPROVED (4-0).

V. DISCUSSION ITEMS

- A. Discuss a request from Tom Cray to change the policy on large T-hangars to limit them to larger aircraft requiring the wider span door.

Mr. Cray was not present at today's meeting and the agenda item was removed.

- B. Consider approving an Extension for Service agreement for Geese Police.

Mr. Perry briefed the board on the progress of the Geese Police and recommended extending their service agreement. After a lengthy discussion, it was agreed for legal to comprise an Extension for Service agreement that will include a do not exceed amount into the agreement.

- C. Consider approving an Amendment to Lease for Ferrellgas, LP.

MOVED BY MR. WEBB AND SECONDED BY MR. HARRIS TO APPROVE AN AMENDMENT TO LEASE FOR FERRELLGAS, LP AS PRESENTED. APPROVED (4-0).

- D. Consider approving a Third Amendment to Lease and Service Agreement for Honeywell International, Inc.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. HARRIS TO APPROVE A THIRD AMENDMENT TO LEASE AND SERVICE AGREEMENT FOR HONEYWELL INTERNATIONAL, INC. AS PRESENTED. APPROVED (4-0).

- E. Discuss policy for maintenance of non-based "managed" aircraft.

Agenda item deferred until the next full board is able to convene. A draft policy amendment will be presented to the board, for discussion, at the next Airport Commission meeting in August.

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Acting Chairman Raynor appointed Mr. Weisenburger as Secretary for today's meeting.

Mr. Metcalfe discussed conducting a Strategic Planning Retreat with the Airport Commission board on Wednesday, October 24, following the regularly scheduled October board meeting. The meeting location has been confirmed for New Century Fieldhouse, 551 New Century Parkway, New Century, Kansas. The regular Airport Commission monthly meeting will begin at 9:00 a.m. with the Strategic Planning Retreat to follow. Notifications will also be sent to the FBOs and pilot community.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 9:50 a.m.

MOVED BY MR. HARRIS AND SECONDED BY MR. WEBB TO ADJOURN. APPROVED (4-0).

Bill Raynor, Secretary

R. Lee Metcalfe, Executive Director

(Revised – August 22, 2012)
JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, August 22, 2012 – 9:00 a.m.

- I. **AIRPORT COMMISSION MEETING**
- II. **APPROVAL OF MINUTES** for the July 25, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the July 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider approving a request for an SASO (Specialized Aviation Service Operators) agreement with Dynamic Aero, Inc., a lessee of CCHL, LLC at Executive Airport.
 - B. Discuss proposed new review process for zoning actions within one mile of the airports.
 - C. Discuss policy for maintenance of non-based “managed” aircraft.
 - D. Discuss proposed new NCAC tax abatement policy.
 - E. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – August 22, 2012, 9:00 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Harris, Moore, Raynor, Weisenburger, and Wittenborn

Absent: Messrs. Dixon and Webb

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Mike Dolin, hangar tenant
Greg Gibson, Signature Flight Support
Kevin McCanles, Dynamic Aero, Inc.
Dean Palos, Johnson County Planning
Stephen Powell, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, BoCC
Chris Reedy, Butler National Corporation
Tom Riederer, Southwest Johnson County EDC

Vice Chairman Moore 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. RAYNOR TO APPROVE THE MINUTES OF THE JULY 25, 2012 MEETING AS PRESENTED. APPROVED (5-0).

II. REPORT OF THE CHAIRMAN

A. Bob Perry - 20 Year Anniversary.

Vice Chairman Moore expressed the board's appreciation and congratulated Bob Perry for his twenty years of dedicated service to Johnson County and the Airport Commission.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Perry updated the board on the taxiway project at New Century AirCenter. They are ahead of schedule and should be complete in another three weeks.

B. Summary of Financials:

Mr. Perry commented that expenses will increase quite a bit in September due to the semi-annual principal and interest payments.

- C. Consider ratifying the July 2012 expenditures as presented:

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO RATIFY THE JULY 2012 EXPENDITURES AS PRESENTED. APPROVED (5-0).

V. **DISCUSSION ITEMS**

- A. Consider approving a request for an SASO (Specialized Aviation Service Operators) agreement with Dynamic Aero, Inc., a lessee of CCHL, LLC at Executive Airport.

Mr. Metcalfe briefed the board on the Dynamic Aero, Inc. request for a SASO agreement and stated this would be a first for this airport. He explained the definition of an SASO and the difference between that and an FBO. Mr. Metcalfe introduced Kevin McCanles, president of Dynamic Aero, Inc., who explained his operation and entertained questions from the Airport Commission board and staff. After a lengthy discussion that also included discussion item C (discussion of policy for maintenance of non-based “managed” aircraft), the board agreed to approve the request, subject to legal approving of the final agreement.

It was recommended to update the minimum standards of the FBO agreement to include sub-contracting; legal will advise staff.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. WEISENBURGER TO APPROVE A REQUEST FOR AN SASO (SPECIALIZED AVIATION SERVICE OPERATORS) AGREEMENT WITH DYNAMIC AERO, INC., A LESSEE OF CCHL, LLC AT EXECUTIVE AIRPORT SUBJECT TO LEGAL APPROVAL OF THE FINAL AGREEMENT. APPROVED (5-0).

- B. Discuss proposed new review process for zoning actions within one mile of the airports.

Mr. Metcalfe stated the Kansas Supreme Court has mandated that cases of rezoning within a one mile jurisdiction of the airports are now required to go before the full rezoning process level. There now needs to be a zoning board for this area and statutes state that if there is a functioning Airport Commission board they will act as the Airport Zoning Commission. Therefore, beginning next month, current zoning application’s set to go before the county will now come before the Airport Zoning Commission board. Dean Palos, Director of Johnson County Planning, discussed the requirements for the zoning review and decisions to include any applications within the one-mile area of the airport from the cities of Gardner, Olathe and Overland Park. He continued that the zoning has been decreed by the Kansas Supreme Court to be a quasi-judicial function in which the Airport Commission board will be operating in both a legislative and judicial fashion and will act as a court in making those decisions. Therefore, due process will be required in all applications that will come before the zoning board. A public notice will be sent out and the board will be required to act in an ex parte situation where you should not talk to the applicant about their request and if you do, you will need to disclose that at the meeting. Zoning reviews will include rezoning, special use and conditional use permits. There are currently two rezoning applications set to go before the Airport Commission Zoning board at next month’s meeting. Rick Lind, County Legal, will be in attendance to offer any legal guidance. If this process moves forward, then the Zoning Board will convene at the end of regularly scheduled Airport Commission meetings.

C. Discuss policy for maintenance of non-based “managed” aircraft.

Discuss policy for maintenance of non-based “managed” aircraft was included with Discussion Item A. It was recommended to continue the discussion with the full board at the next regularly scheduled Airport Commission meeting in September.

D. Discuss proposed new NCAC tax abatement policy.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO ACCEPT THE NEWLY PROPOSED NCAC TAX ABATEMENT POLICY AND MAKE RECOMMENDATION TO THE BOCC FOR APPROVAL AS PRESENTED. APPROVED (5-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Chris Reedy, Butler National Corporation, commented about the recent narrowing of Taxiway Bravo. Instead of taking out infrastructure, is there a way to negotiate in keeping infrastructure at the airports. Mr. Perry stated that it was FAA’s decision to narrow Taxiway Bravo and grant money paid for the project. Staff and engineering were in talks with FAA for over two months to try and convince them to not move forward with narrowing the taxiway.

Mr. Wittenborn stated the Aerobatic Club of Kansas City held a competition at New Century AirCenter this past weekend and it was a huge success. He thanked the Airport Commission, Signature Flight Support, and air traffic control that assisted the aerobatic club.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:23 a.m.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO ADJOURN. APPROVED (5-0).

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – December 5, 2012, 9:00 a.m. – New Century, KS

Airport Commission

Present: Messrs. Harris, Moore, Webb, Weisenburger, and Wittenborn

Present by Phone: Mr. Saul

Absent: Mr. Raynor

Staff: Metcalfe, Dunham, McKee and Bellinger

Others: Mike Dolin, hangar tenant
Angelo Fiataruolo, KCAC
Greg Gibson, Signature Flight Support
Jo Ella Hoye, CMO
Commissioner Jason Osterhaus, BoCC
Tom Riederer, Southwest Johnson County EDC

Vice Chairman Moore 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. WEBB AND SECONDED BY MR. WITTENBORN TO APPROVE THE MINUTES OF THE OCTOBER 24, 2012 MEETING AS PRESENTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Metcalfe briefed the board on a request that came up during the Strategic Planning Retreat in November, to refresh the Johnson County Airport Commission's marketing image and materials. Mr. Metcalfe met with candid marketing and communications and is expecting a proposal fairly soon. candid has recently completed image make-overs for the Southwest Johnson County Economic Development Corporation, the City of Edgerton and they currently are working with BNSF Railroad. In addition, Mr. Metcalfe met with Lou Serrone of Block & Co., Inc. to get ideas of what can be done to energize the brokerage community and he will meet with John Davidson of Davidson Architecture & Engineering, who was recommended by Lou Serrone. Mr. Saul suggested the Airport Commission host a coffee or open house for the brokerage community. Mr. Fiataruolo of KC Aviation Center offered his company's resources and services.

Mr. McKee stated that fueling systems was another discussion item that came up at the Strategic Planning Retreat and that a twenty year contract is consistent with county awarded contracts. Mr. Webb asked the current status on renewals for agriculture leases. Mr. Metcalfe replied that the agricultural leases are generally renewed annually, at the end of the year.

B. Summary of Financials:

Mr. Metcalfe updated the board on the standard procedures and summary format of the monthly expenditures and financials.

C. Consider ratifying the October 2012 expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO RATIFY THE OCTOBER 2012 EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

- A. Consider approving and making a recommendation for the Board of County Commissioners to approve a water agreement between Johnson County and the City of Gardner, Kansas.

Ms. Dunham briefed the board on the water agreement between Johnson County and the City of Gardner, Kansas.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO APPROVE AND MAKE RECOMMENDATION FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE A WATER AGREEMENT BETWEEN JOHNSON COUNTY AND THE CITY OF GARDNER, KANSAS AS PRESENTED. APPROVED (6-0).

- B. Consider approving a request from Du Pont (formerly Danisco) for building demolition and Lease Termination of the building at 201 New Century Parkway, New Century, Kansas.

Mr. Metcalfe briefed the board on the history of the building that Du Pont is requesting building demolition and termination of that lease. After a lengthy discussion, the board stated they had no opposition to terminating the lease and building demolition. They requested Mr. Metcalfe to contact Du Pont to propose a buyout on the lease. Mr. Metcalfe will update the board on that discussion at the next meeting in January.

- C. Consider approving a Lease Extension for Kansas City Aviation Center, Inc. (KCAC) at Executive Airport.

MOVED BY MR. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE A LEASE EXTENSION FOR KANSAS CITY AVIATION CENTER, INC. (KCAC) AT EXECUTIVE AIRPORT AS PRESENTED. APPROVED (6-0).

- D. Consider approving an Estoppel and Consent to Leasehold Mortgage for Leawood Drive Associates, LLC and Country Club Bank.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO APPROVE AN ESTOPPEL AND CONSENT TO LEASEHOLD MORTGAGE FOR LEAWOOD DRIVE ASSOCIATES, LLC AND COUNTRY CLUB BANK AS PRESENTED. APPROVED (6-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Webb asked if any film commissions had ever been contacted for the making of movies at the airports. Mr. Metcalfe replied that he had been approached a few times from film makers. However, Johnson County Risk Management and the FAA discouraged pursuing it further.

Ms. Dunham commented that it was time for the Nominating Committee to meet and make recommendations on the upcoming slate of Johnson County Airport Commission officers. Vice Chairman Moore nominated Mr. Wittenborn and Mr. Saul as the Nominating Committee and a presentation will be made at the next meeting in January.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO GO INTO EXECUTIVE SESSION AT 10:20 A.M., FOR 20 MINUTES, TO DISCUSS PERSONNEL MATTERS. APPROVED (6-0).

VII. EXECUTIVE SESSION – PERSONNEL MATTERS

MOVED BY MR. WITTENBORN AND SECONDED BY MR. LEE TO CLOSE THE EXECUTIVE SESSION AND RESUME THE REGULAR MEETING AT 10:40 A.M. APPROVED (6-0).

VIII. ADJOURNMENT

The regular meeting was reconvened at 10:40 a.m. and there being no further business the meeting was adjourned.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO ADJOURN. APPROVED (6-0).

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – October 24, 2012, 8:00 a.m.
New Century Fieldhouse - New Century, KS

Airport Commission

Present: Messrs. Harris, Moore, Raynor, Webb, Weisenburger and Wittenborn

Absent:

Staff: Metcalfe, Dunham, Perry, McKee and Bellinger

Others: Mike Dolin, hangar tenant
Angelo Fiataruolo, KCAC
Jerry Fogel, Kessinger Hunter
Mike Hockley, Spencer Fane
John O'Neil, Johnson County Wastewater
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, BoCC
Penny Postoak Ferguson, Johnson County Manager's Office
Tom Riederer, Southwest Johnson County EDC
Tom Saul, Titan Construction

Vice Chairman Moore called the meeting to order at 8:00 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. RAYNOR TO APPROVE THE MINUTES OF THE SEPTEMBER 26, 2012 MEETING AS PRESENTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY

A. Review staff reports:

No additions to the Staff Reports.

B. Summary of Financials:

No additions to the Summary of Financials.

C. Consider ratifying the September 2012 expenditures as presented:

MOVED BY MR. WEBB AND SECONDED BY MR. HARRIS TO RATIFY THE SEPTEMBER 2012 EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

- A. Discuss combining the Airport commission November and December meetings to Wednesday, December 5, 2012.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. HARRIS TO APPROVE COMBINING THE NOVEMBER AND DECEMBER MEETINGS TO WEDNESDAY, DECEMBER 5, 2012 AS PRESENTED. APPROVED (6-0).

- B. Consider approving an Amendment to Leases for T&C Aviation Enterprises, Inc..

MOVED BY MR. WEBB AND SECONDED BY MR. HARRIS TO APPROVE AN AMENDMENT TO LEASES FOR T&C AVIATION ENTERPRISES, INC. AS PRESENTED. APPROVED (6-0).

- C. Consider approving an Estoppel and Consent to Mortgage Agreement for T&C Aviation Enterprises, Inc. and Capital City Bank.

MOVED BY MR. WEBB AND SECONDED BY MR. RAYNOR TO APPROVE AN ESTOPPEL AND CONSENT TO MORTGAGE AGREEMENT FOR T&C AVIATION ENTERPRISES, INC. AND CAPITAL CITY BANK AS PRESENTED. APPROVED (6-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

No business from the floor.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 8:19 a.m. to begin the Strategic Planning Retreat.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO ADJOURN. APPROVED (6-0).

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, September 26, 2012 – 9:00 a.m.

- I. **AIRPORT COMMISSION MEETING**
- II. **APPROVAL OF MINUTES** for the August 22 and September 7, 2012 meetings.
- III. **REPORT OF THE CHAIRMAN**
 - A. Introduce Colin McKee, new Deputy Director
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the August 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider awarding a construction contract for \$2,876,370.20 to APAC-Kansas, Inc.- KC Division for NCAC Runway 4-22 Mill, Overlay, Lighting and PAPIs, an FAA-grant-funded project.
 - B. Consider approving a proposed Conditional Use Permit at 408 E. Main Street, Gardner, Kansas by Recycle With Integrity for storage/warehouse use. Gardner Project Number CUP-12-04.
 - C. Consider approving a proposed change in existing city zoning located at 314 E. Main St., Gardner, Kansas within 1 mile of New Century Airport. Gardner Project Number Z-12-01 and PDP-12-01.
 - D. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – September 26, 2012, 9:28 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Harris, Moore, and Raynor

Present by phone: Mr. Wittenborn

Absent: Messrs. Webb and Weisenburger

Staff: Metcalfe, Dunham, Perry, McKee and Bellinger

Others: Mike Dolin, hangar tenant
Amy Kynard, City of Gardner
Dean Palos, Johnson County Planning
Stephen Powell, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, BoCC
Tom Riederer, Southwest Johnson County EDC
Tim Speed, Arvest Bank
Diane Wicklund, Johnson County Planning

Vice Chairman Moore arrived late to the meeting. Having a quorum, he called the meeting to order at 9:28 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. RAYNOR TO APPROVE THE MINUTES OF THE AUGUST 22 AND SEPTEMBER 7, 2012 MEETING AS PRESENTED. APPROVED (4-0).

II. REPORT OF THE CHAIRMAN

A. Introduce Colin McKee, new Deputy Director.

Mr. Metcalfe introduced Colin McKee as the new Deputy Director. He officially begins October 1st. After a transition period, Mr. Perry will retire at the end of October 2012.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Perry updated the board on the taxiway project at New Century AirCenter.

B. Summary of Financials:

No additions to the Summary of Financials.

- C. Consider ratifying the August 2012 expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO RATIFY THE AUGUST 2012 EXPENDITURES AS PRESENTED. APPROVED (4-0).

V. DISCUSSION ITEMS

- A. Consider awarding a construction contract for \$2,876,370.20 to APAC-Kansas, Inc. – KC Division for NCAC Runway 4-22 Mill, Overlay, Lighting and PAPIs, an FAA-grant funded project.

Mr. Perry provided information to the board regarding an FAA grant-funded project and asked them to make a recommendation for the BoCC to approve awarding the grant to APAC. Mr. Wittenborn asked the timeline for completion of the project. Mr. Perry replied the timeline for the project would be 150 calendar days. However, he expected completion to be well before the deadline. Vice Chairman Moore asked if there would be cost overruns. These are fixed-price contracts and if there are any change orders that would need to be negotiated with FAA.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO MAKE RECOMMENDATION TO THE BOCC FOR APPROVAL OF AWARDED A CONSTRUCTION CONTRACT FOR \$2,876,370.20 TO APAC-KANSAS, INC.-KC DIVISION FOR NEW CENTURY AIRCENTER RUNWAY 4-22 MILL, OVERLAY, LIGHTING AND PAPIs, AN FAA-GRANT FUNDED PROJECT AS PRESENTED. APPROVED (4-0).

- B. Consider approving a proposed Conditional Use Permit at 408 E. Main Street, Gardner, Kansas by Recycle With Integrity for storage/warehouse use. Gardner Project Number CUP-12-04.

MOVED BY MR. HARRIS AND SECONDED BY MR. RAYNOR TO MAKE RECOMMENDATION TO THE BOCC FOR APPROVAL OF A PROPOSED CONDITIONAL USE PERMIT AT 408 E. MAIN STREET, GARDNER, KANSAS BY RECYCLE WITH INTEGRITY FOR STORAGE/WAREHOUSE USE. GARDNER PROJECT NUMBER CUP-12-04 AS PRESENTED. APPROVED (4-0). (*Verbatim transcript available*)

- C. Consider approving a proposed change in existing city zoning located at 314 E. Main St., Gardner, Kansas within 1 mile of New Century Airport. Gardner Project Number Z-12-01 and PDP-12-01.

MOVED BY MR. HARRIS AND SECONDED BY MR. RAYNOR TO MAKE RECOMMENDATION TO THE BOCC FOR APPROVAL OF A PROPOSED CHANGE IN EXISTING CITY ZONING LOCATED AT 314 E. MAIN ST., GARDNER, KANSAS WITHIN 1 MILE OF NEW CENTURY AIRPORT. GARDNER PROJECT NUMBER Z-12-01 AND PDP-12-01 AS PRESENTED. APPROVED (4-0). (*Verbatim transcript available*)

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson

Airport Commission Minutes – September 26, 2012 - Page 3

County EDC. He also announced that BNSF would begin moving the cranes on Monday, October 1st, from New Century AirCenter to the Intermodal site.

VI. BUSINESS FROM THE FLOOR

No business from the floor.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:38 a.m.

**MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO ADJOURN.
APPROVED (4-0).**

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – September 26, 2012, 9:28 a.m. – Olathe, KS

Airport Commission

Present: Messrs. Harris, Moore, and Raynor

Present by phone: Mr. Wittenborn

Absent: Messrs. Webb and Weisenburger

Staff: Metcalfe, Dunham, Perry and Bellinger

Others: Mike Dolin, hangar tenant
Amy Kynard, City of Gardner
Dean Palos, Johnson County Planning
Stephen Powell, County Manager's Office
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, BoCC
Tom Riederer, Southwest Johnson County EDC
Tim Speed, Arvest Bank
Diane Wicklund, Johnson County Planning

Vice Chairman Moore arrived late to the meeting. Having a quorum, he called the meeting to order at 9:28 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. RAYNOR TO APPROVE THE MINUTES OF THE AUGUST 22 AND SEPTEMBER 7, 2012 MEETING AS PRESENTED. APPROVED (4-0).

II. REPORT OF THE CHAIRMAN

A. Introduce Colin McKee, new Deputy Director.

Mr. Metcalfe introduced Colin McKee as the new Deputy Director. He officially begins October 1st. After a transition period, Mr. Perry will retire at the end of October 2012.

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Perry updated the board on the taxiway project at New Century AirCenter.

B. Summary of Financials:

No additions to the Summary of Financials.

C. Consider ratifying the August 2012 expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO RATIFY THE AUGUST 2012 EXPENDITURES AS PRESENTED. APPROVED (4-0).

V. DISCUSSION ITEMS

A. Consider awarding a construction contract for \$2,876,370.20 to APAC-Kansas, Inc. – KC Division for NCAC Runway 4-22 Mill, Overlay, Lighting and PAPIs, an FAA-grant funded project.

Mr. Perry provided information to the board regarding an FAA grant-funded project and asked them to make a recommendation for the BoCC to approve awarding the grant to APAC. Mr. Wittenborn asked the timeline for completion of the project. Mr. Perry replied the timeline for the project would be 150 calendar days. However, he expected completion to be well before the deadline. Vice Chairman Moore asked if there would be cost overruns. These are fixed-price contracts and if there are any change orders that would need to be negotiated with FAA.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO MAKE RECOMMENDATION TO THE BOCC FOR APPROVAL OF AWARDING A CONSTRUCTION CONTRACT FOR \$2,876,370.20 TO APAC-KANSAS, INC.-KC DIVISION FOR NEW CENTURY AIRCENTER RUNWAY 4-22 MILL, OVERLAY, LIGHTING AND PAPIs, AN FAA-GRANT FUNDED PROJECT AS PRESENTED. APPROVED (4-0).

**Beginning of Transcribed Meeting of the Johnson County Airport Commission Zoning Board
September 26, 2012**

Mr. Metcalfe: Some of you that were here last month I think heard me say that we have a new role to play, and that is as the airport zoning commission, as provided for in Kansas statutes. We have Rick Lind with us, who is the designated land use attorney for the County and has been in the middle of this. Prosecuted our lawsuit up to the Supreme Court, twice, and won. Rick is going to give you a little background and describe how to behave in this particular situation. Then, we have Dean Palos, the Planning director; Amy Kynard from Gardner; Diane Wicklund from the Planning office. They will make presentations on this.

Mr. Lind: As Lee said, I do the land use portion of the applications from the county, from the legal side. I've had this case on my desk in one form or another since 1994, and we've been up to the Supreme Court twice. Just to remind you, this is the Brown's property here. It's just north of Executive. The last time we went up there, the landowners were arguing that our role and authority was limited under the statute as far as what we could do, as far as regulating land uses. So, the Kansas Supreme Court ruled in our favor and said that we did have zoning authority, general in nature, we weren't just restricted to height hazard regulation. We did have general zoning authority. But they went farther than that, and they said that there are really two distinct applications going on when this occurs. You have the city, they do their application process where they look at this as to whether this is a good land use from their perspective. But then, you have the Airport Commission and the Board of County Commissioners who also look at it. They also have jurisdiction to look at

this and can use their own discretion to decide whether this is a compatible use with the airport. Well, when they went there, they made it very clear that the Airport Commission is an integral part of this process, and they discussed how these matters come to you, and then they go to the Board of County Commissioners. Well, when they emphasized that, we wanted to make sure that we followed that decision, because in the past, sometimes these cases would come to you, and sometimes they would go through Lee. So, when the Supreme Court emphasized the fact that you were an integral part of the process, we wanted to make sure that that occurred. That's why we're here today.

So, I wanted to briefly go over some things with you, to kind of talk about zoning applications in general. Zoning applications are quasi-judicial in nature. That means they are similar to judicial process. So, when you sit, hearing these zoning decisions, you're kind of like a judge. And when you hear these decisions, you have to make your decision based on the evidence in the record. You're not like a legislature where you can say, Hey, we think it's a good idea that we do X, Y and Z. You don't really have to hear the evidence, and you make your decision based upon the evidence in the record. And when you make your decision, you make findings and conclusions to support your decision. So it's not just a "yes" or "no" vote, it is approval or deny, and here's why, so that you explain to the applicant and to the courts who review these matters why you made the decision that you did.

Now, fortunately for you, you have the Johnson County Planning Department, because what the Johnson County Planning Department will do for you – and they'll do it here in a minute – is they will take the evidence, and they will summarize it for you in a staff report, and they will set forth what they believe are the critical facts in the case. And then, they will make a recommended suggested findings and conclusions for you. And you're free, at that point, to either adopt their findings and conclusions as your own, to explain why you made the decision you did, or, you are free to go the opposite way. And the only caveat if you go the opposite way is you have to explain why, and you won't have the benefit of your explanation, so you'll have to take the time to explain on the record why you don't believe their suggestions are correct, and then just state the facts you believe are different, or the conclusions you believe are necessary, and you explain why you disagree and put it on the record. All of that is forwarded to the Board of County Commissioners, who will make the final decision. You are just a recommendation body, and they make the final decision.

However, because you are quasi-judicial, there are some other things that you need to keep in mind. Because you are kind of like a judge, there are things they have to be aware of. One of them is *ex parte* communications. That means that you are talking about the merits of the case outside of this hearing. So you need to be sensitive to the fact that if someone calls you up and says, "Hey, Bill, I'd like to visit with you about this case. Did you know that X, Y and Z is going on, and if you vote to approve this, it's going to cause me a problem? I sure hope you're not going to vote for this." You have to be sensitive to those things. My advice to you is, if anyone tries to contact you about the case, you just tell them that you really can't talk about it, and if they want to talk about it, invite them to come to the meeting here, or invite them to come to the meeting before the Board of County Commissioners, and then they can go on the record and tell you what they think about it. But try to avoid doing it in private. Why is that? Two reasons, really. One is, you shouldn't be making a decision based upon evidence that everybody else didn't get to hear. If Bill is hearing specific evidence that somebody is tell him but he's not telling the rest of you, then he has specific information that is different than yours, and you should all be making your decision based upon the same information. The second reason is you don't want to give the appearance of being biased, because if you're talking to somebody outside the record and they say, "Did you know that Charlie

came up and talked up to Bill, and they are buddies?” It gives the appearance that you’re going to be biased. So, for those two reasons, you want to avoid doing that.

The other thing is, if you do have those conversations because you can’t avoid it – Let’s say you’re in the grocery store line and somebody comes up to you and you say, “Listen, I can’t talk about this,” but they persist in talking about it anyway, and you’re stuck in line, you can’t get away from it. Here’s my suggestion for how you handle that: You tell the individual that you’re going to have to disclose this conversation at the meeting. So, you come to the meeting, and you need to state for the record – and Dean’s going to show you on the suggested process, there’s a part of every meeting where you do *ex parte* communications and conflicts of interest. So, when they would come to the *ex parte* communications portion, you would state that, I had an *ex parte* conversation with such-and-such; here’s the date it took place; here’s what we discussed. And you have to go on the record and state what it was that you discussed. And then, you need to make a statement as to whether there was anything that occurred during that conversation which is going to keep you from having an open mind. You want to make sure that the applicant and all the people who are interested in the application know that if a conversation did take place, who was it with, what did you discuss, and if that conversation did take place, can you still be objective and have an open mind about making a decision?

So, this isn’t a way to say to yourself, Well, I’ll just always have *ex parte* communications and just disclose it. It’s what you do when you can’t avoid one. So, avoid the communications, but if for some reason you can’t, then you use the disclosure method to try to cure.

Another thing is to disclose any conflicts of interest you may have. If you are related to the applicant, you have a business association with the applicant, or you have a financial interest in the applicant, or with the company or the developer who is making the application, you want to state that you have a conflict of interest, and you are going to recuse yourself from voting. And when you recuse yourself from voting, that’s exactly what you do, is you recuse yourself from any participation in the application. You don’t participate in the discussion, you don’t vote, and you abstain. There’s an old saying that if you’re in doubt about what to do, then sit out. So if you’re in doubt, sit out. That’s the best way to handle it.

That’s just a quick overview. I’d be happy to answer any questions.

Mr. Palos: Traditionally what we’ve done, and what works most effectively when we have a conflict of interest, and we’re not doing this because we don’t want you around, but we usually ask our zoning board members to actually leave the room while the discussion is going on. It’s not to prevent them from hearing about what happened, but to prevent them from having undue influence through facial expressions, or whatever.

Mr. Lind: I’ve also had a situation at a zoning board where the zoning board member excused himself, and then went and sat front row, next to the applicant, and gave the appearance that, this is my buddy, and if you’re going to make a decision, I’m sitting right next to him, so I’m going to let you know that this is my buddy. It’s to avoid those things. And as Dean said, the other thing is, you can recuse yourself, not vote, not have any discussions, but when people say things, you can make eye and face gestures to let them know that you’re not happy. So, if you do leave the room, that’s probably the best situation.

Mr. Wittenborn: Was this Mr. Lind presenting this latest presentation?

Mr. Lind: Yes.

Mr. Wittenborn: Rick, can you tell me, are there formal criteria that the cities, municipalities, the County has for approving or disapproving zoning requests?

Mr. Lind: There is a general suggested land use criteria that you may be alluding to. It's called the Golden Factor Criteria. There are eight criteria that are suggested by the cities and counties who review zoning, to review those criteria. The Planning Department, in their staff reports, if they think those are something you need to look at in this instance, they will put those in their staff report. But the cities who review these will definitely put them in their staff report. And when you get the evidence, you should get this stuff before your hearing, and you'll be able to see what the evidence is, and the Golden Criteria could be in there.

For those who aren't familiar with the Golden Criteria, in 1978, the Kansas Supreme Court, when they changed zoning from legislative to quasi-judicial, said that there are suggested factors that any zoning board needs to look at when they consider a zoning decision. The factors are, like, what's the nearby zoning? What detrimental impacts may occur if you approve the zoning? What does the comprehensive plan suggest the use for the property should be? What does the professional planning staff suggest should happen? So, there is a set of criteria. You can look at those, but just generally speaking, this body is going to look as to whether this zoning application in any way causes any detrimental impacts with the airport and its operations.

Mr. Wittenborn: Thank you.

Mr. Metcalfe: This is going to be a practice – well, more than a practice because you're going to be making a decision, but obviously this is the first time we've done this. Bear with us; we'll practice this and get better at it. Just to give you a forewarning, any rezoning within one mile of either airport, one mile of the boundaries of the airport, will be coming to you now. It's about one or two a month.

Mr. Palos: It varies. We actually only do six to ten a year, so I would guess you'd be seeing this probably every other month or every three months or so.

Mr. Metcalfe: Our jurisdiction goes to downtown Gardner, near the section of Center and Main. In Overland Park it goes east of Quivera a half mile and it goes north of 143rd a half mile. It goes west of Pflumm a mile. So, it is a large area. So, be prepared to see these on a fairly regular basis. I would bet you'd see at least one a month, especially in the Gardner area as things start picking up again. Most of them are what I would call no-brainers, very obvious that there's no problem for the airport. I don't think any of you – like you, Ron – when the airport chose to delegate this responsibility to me, this was 20 years ago, I think, mainly because the airport board only meets once a month, and we were seeing these things two or three a month and couldn't turn them around quickly enough. You may remember Wal-Mart. That was a big one. From now until somebody up at 111 South Cherry decides it's not working, this is what we're going to be doing. I'll turn it over to Dean.

Mr. Palos: And I do regret – This is a first run, so we're probably going to make a mistake or two, and one of them is not bringing the maps that Lee just talked about. But for each of the airports, there is map drawing that is in our comprehensive plan, which is the plan that we use for evaluating applications like this. There is what's called the Airport Interest Area, which is sort of an arbitrary boundary that was determined at the time the studies were done for each of the airports. That

Airport Interest Area Plan has very specific recommendations with regard to the future types of land uses that should occur there. That's really predicated on the safety of the airplane, the folks in it, as well as the people on the ground. The idea is that we want to limit, minimize, mitigate in any way we can the possibility of an accident or an air crash, and limit the damage that would occur from that. So, one way to do that is to restrict where specific land uses are located within those areas. So, when you hear us talk about airport interest area, we're talking about specifically relating to the comprehensive plan.

On top of that is layered what Lee just talked about, what Rick talked about, is the separate statutory requirement that only Johnson County has, that I'm aware of, that gives the County authority to essentially trump whatever zoning decisions are made by the respective jurisdictions – in this case, Gardner, Olathe and Overland Park. It's unique. I'd never heard of it before. I'm surprised somebody hasn't raised an issue over it. Well, they kind of have, actually. The issue hasn't been whether we have the authority. The issue has been, what are you looking at? What's the criteria?

Mr. Lind: No, the authority came up, too.

Mr. Palos: Well, regardless, as Rick so well put it, here we are. This is the same routine that we use with all of our zoning boards, so we're well practiced at it. It's basically a very straightforward process. I'm going to hand out the procedures that we use, that we ask that you use. It's very straightforward. It looks long and lengthy but it's basically introducing the application, and at that time, the chairman would ask for disclosures. I really appreciate the way Rick explained that to you. It's very important that if you do have a disclosure to make, that's when you would do it. We talked about why we're doing that, and how we'd like to see you actually leave the room. That's only in the case of a conflict of interest. If you've had *ex parte* comments, what we normally do is we ask you to share them with every one of us, disclose that you had them, and what you did.

The next step is that staff would make its presentation. We usually can do that within ten minutes. The Airport Commission then has the opportunity to ask us questions about our presentation. Then the application or the City would have an opportunity to present. I'm guessing that in the no-brainers that Lee talks about, the applicants won't even come. They may or may not, depending on how controversial it is. You would then have an opportunity to ask the applicant questions. You can always ask staff for their comments and response to that. Then, you take public comments. Again, we say three minutes or less per individual. That's really up to the chairman. That's just a general guideline. Minutes will be taken and made, so all of this is germane to what the Board of County Commissioners will finally see. So, it's important that everyone has the opportunity to say what they want to say. Then there's further discussion and questions by the staff, the applicant and the City over what was heard. You would then close the public comments, and then you would have a discussion by the Airport Commission. Generally, if there are reasons why you are opposed to the recommendation, this is generally when you would talk about them. And you would talk about them in a frank way so that that could become part of the final record that goes to the Board, so that it's clear why you're recommending denial, if that's the case. Or, if you're in support of staff.

You would then vote on the recommendation, and your recommendation would be forwarded to the Board of County Commissioners. We would state a date of when that Board of County Commissioners would hear it. And I should tell you, the most troubling part of this whole process is that it's really adding probably close to two months for an applicant who has gotten approval from a jurisdiction. Nobody is happy with that, nobody is comfortable with that. We are in an ongoing

process with Amy about trying to figure out how to expedite this, how can we make this go faster, satisfy the provisions of the statutes, as well as the findings of the Supreme Court. And I will tell you, it's not going to be easy to do that. That's what we're left with.

There is a note here that the chairman has the right to modify or deviate from the procedures as warranted. Although this is a very formal process, it can be done as informally as you want to be. The real essence is to make sure you guys have a full understanding of what is before you, and that the applicant has a full understanding when he leaves of why you either approved it or denied it, and that we have a solid record to give to our county commission. If the BOCC denies it, will it come back to these guys?

Mr. Lind: No.

Mr. Palos: Okay. That's a little different from the zoning board. So, the buck stops with the Board of County Commissioners.

Mr. Metcalfe: Could the BOCC send it back for further consideration?

Mr. Lind: Sure. You guys do the heavy lifting. If there is to be an evidentiary hearing, it's really best that it take place here. That's because the Board of County Commissioners has so many different agenda items that if they take on these real controversial ones, they can be hours. So, if the Board of County Commissioners does that, it becomes complicated. So, what you do for them is you really hear all the evidence, and then the evidence is put in the minutes, and then it's forwarded to the Board of County Commissioners, who can read that. Also, staff can summarize it for them. So, when they get it, they are ready to make a decision. People can still approach them and have discussions, but it's a matter of minutes and not hours. So, this is really where the brunt of the public hearing takes place.

The only other thing I would add to what Dean said is, in the staff report, staff will most likely put a suggested motion, if you want to agree with them, so you can just read the motion. In the event they fail to do so, that type of motion would be something like this: "I move to approve application number for the reasons set forth within the staff report." That way, you've made it clear that if you're agreeing with staff, you're doing it for the reasons that staff set forth in the report. They'll probably have a suggested motion for you, but if they don't, that's one that you follow. If you don't want to go that route, as Dean talked about, then that's your opportunity to say, "I move to deny this," if they have suggested approval, and then, you need to go on the record and explain, in as much detail as you can, why it is you're going the other way.

Mr. Palos: And that works the other way, as well. If we're recommending denial, we'll give you our list of reasons so that you can either use those and add to them, or subtract if you want. Our staff report, once we mail that out, it's done, unless something really drastically changes and something needs to be brought in and introduced. For the most part, we've said our piece by the time we send our first comment to the city. The way the process works is, we will get a notice from Amy from Gardner that they're going to review, for example, this Integrity Recycling. We got a notice from here two or three months ago. So, we send them a note, our review, saying, This is what Planning staff and the Airport Commission staff see with this. This is our recommendation; these are our comments. But we make it clear that those are not the comments of the Airport Commission or the Board of County Commissioners. So, they have that, and rarely have we ever changed our recommendation from that initial one. And that is the case in the two applications you have before

you. So, it's pretty straightforward with staff. We're looking at a pretty narrow set of criteria. We're looking to make sure, in the case where we have an airport interest area boundary and the application is within that, we're looking at, does this application fit with what's recommended in terms of the residential use? Does it meet the density requirement? In looking at density, we're looking at, we want to have as few structures as possible that could possibly be hit. This is where we rely on Lee because Lee has far more expertise in this area than I do. David Peel, who did this for almost 30 years, retired, so Diane and I are kind of learning as we go, relying on Lee. We're going to rely a lot on Colin, here. But most of what we look at in that regard within the airport interest area, is, does Lee feel that it is okay, that it is compatible.

For items that are outside the airport interest area, within that one mile, like the two applications before you, I don't want to say we're doing this by the seat of our pants, but we really are even more looking to the Airport for guidance. Essentially, the underlying premise that we've come to is, as long as the use is non-residential and it's not a large aggregation of people involved like an auditorium or a football stadium, etc., if it's non-residential, we generally perceive it as, it's okay. What we're really trying to do is discourage or place more concentration on whether a residential use, whether single-family or multi-family, should be located here. And in the two cases that you're going to hear, both are non-residential uses, and if you read through what Diane is going to present to you, you'll see that this was a pretty easy one to come to as far as our recommendation. But there are other ones like the Brown property that Rick pointed to – How many years?

Mr. Lind: I've had it on my desk in one form or another since 1994. And that case is still not done because when the Kansas Supreme Court looked at it for the second time, they didn't finalize it. They sent it back to the district court for further proceedings. So, that case is still an active case.

One thing I wanted to add. When you do get the application and you do have questions, you can talk to staff. When I said you can't have *ex parte* communications with others about this, that does not apply to staff. So when you get this information, if you have a question prior to the hearing and you want to talk to someone, you are free to talk to Planning, you're free to talk to me, you're free to talk to Lee. But don't talk to the public.

Mr. Olsen: Does that include AOPA?

Mr. Lind: I don't know who AOPA?

Mr. Olsen: Aircraft Owners and Pilots Association.

Mr. Metcalfe: Yes, that would include you. That would be *ex parte*.

Mr. Lind: Yes.

Mr. Palos: You could comment at the public hearing, and you could send a letter in advance or appear. That would be your opportunity.

Mr. Lind: And you can talk to staff. If you have a question, you can talk to staff. You just can't talk to the decision-makers.

Ms. Wicklund: If I could just add, there's also a requirement to notify nearby owners. It's also published as a legal notice in the paper. So, there is a potential that the public could come. That's

part of why Rick is talking about that *ex parte* communication. There is the potential the public could come to this meeting because this is what is considered a public hearing. So, there could be a time where there's something controversial that you would have members of the public come into this meeting and being able to express their opinions.

Mr. Lind: And you're going to have to play this by ear because if you have a very controversial application and 30 people are going to be here, you're going to have a due process problem because you can't expect people to stand for a couple hours. They need to be able to hear what's going on. So, if you do have one of those that's going to be really controversial, I don't know if there's another room in the building.

Vice Chairman Moore: I guess we're going to have to build a new airport administration building.
[Laughter]

Mr. Lind: You'll have to play that by ear. Staff will help you if you get an indication that that may happen.

Mr. Metcalfe: Are you ready to do this?

Vice Chairman Moore: I guess we are.

- B. Consider approving a proposed Conditional Use Permit at 408 E. Main Street, Gardner, Kansas by Recycle With Integrity for storage/warehouse use. Gardner Project Number CUP-12-04.

Mr. Metcalfe: John, I've got the map that was in the packet. I'm projecting this up on the screen. That's all we're looking at.

Ms. Wicklund: I am part of the Johnson County Planning staff. The first one you're looking at here, this was a request and application for a conditional use permit at 408 East Main in Gardner. We have an aerial view up here on the screen that gives you the location, if you can see that little yellow button there. That gives you a sense of the location. This is an application for a conditional use permit for a company called Recycle With Integrity, and it's for storage and warehouse use. It is within one mile of the airport, so that's why we are here. We did get comments back from Lee on this, that he had no concerns or issues with that. So, staff's comments are – and again, as Dean was talking about, this particular property, and the next one, too, is not located within this airport interest area. I apologize that we do not have the maps. Next time we will bring them and that will help make it more clear. Again, we're outside of the area that we're really concerned about when you look at airports.

Therefore, the plan, when it's outside of that airport interest area, the plan does not designate a proposed future land use for that property. However, it generally supports, as Dean said, the non-residential uses in this area, that those non-residential uses are better uses than residential development. So, in this case, the nature of this request, which is kind of storage and warehouse, with no new employees, limited number of customer visits, limited hours of operation, staff had no objections and no concerns for this conditional use permit, and see no detrimental effects.

For the record, I should point out that in this memo there is a typo in the middle paragraph, at the end, where it says, "This application for a rezoning and a preliminary development plan," that's actually a conditional use permit, because this one is a conditional use permit.

Airport Commission Minutes – September 26, 2012 - Page 10

Therefore, planning staff is recommending approval, and again, Amy is here from Gardner. They are the ones that do the staff analysis in terms of land use criteria, Golden criteria, those kinds of things. If you have specific questions, she is better suited to answer those than I would be. I think that's it, unless you have questions.

Vice Chairman Moore: Any questions?

Mr. Metcalfe: What are they recycling? Telephones?

Amy Kynard, City of Gardner, made the following comments:

Ms. Kynard: This is a business. Right now it is a cell phone/communications business. And then, as part of that, they have, sort of as an accessory, been accepting old phones that they can then repurpose and recycle. One of the things that has happened recently is that people have been approaching them, wanting to recycle other types of electronics, appliances, and various things that they didn't currently do. So, they have started taking in those items as well. To accommodate that, they are now adding a trailer that has to be located in the parking lot to store those items. Once the trailer is full, they take it off site and go from there as far as finding a new purpose for those items. They do all the data wiping on computers and that sort of thing. So, this really isn't a huge change to what they've already been doing, but due to the way our regulations read, it does require the conditional use permit to make that a legal use. And they will continue with the cell phone business as well.

Vice Chairman Moore: Basically, this has zero impact on our sphere of influence.

Mr. Metcalfe: Yes.

Vice Chairman Moore: John, any questions?

Mr. Wittenborn: Is access to this trailer restricted to anyone in particular?

Ms. Kynard: If someone wanted to drop off an item, they would have to arrange an appointment and the employees there would be the only ones putting items in the trailer. It's not just open to the general public.

Mr. Wittenborn: Okay. I'm assuming that whatever goes in this trailer is approved by the responsible party for the trailer.

Ms. Kynard: Correct. They do not store any hazardous materials or that sort of thing. They would not accept those.

Vice Chairman Moore: Applicant presentation would be next? No applicant presentation? Okay. So we can't question the applicant. Public comment? Anyone from the public? Seeing none, I will move forward. Any further questions of the zoning board to the staff, applicant or the public? Anyone have any questions? So, not hearing any public questions, I will formally close the public comment. We will go into discussion of the application by the zoning board. Does anybody have any questions? If there's no further discussion, is there a recommendation by the zoning board to

the Board of County Commissioners? I presume at this point we would need a formal motion and second, etc.

Mr. Metcalfe: Yes.

Mr. Harris: I will move that we approve the City of Gardner Ordinance No. 2397, in accordance with the recommendation by the Airport Commission and County Planning staff.

Mr. Raynor: Second.

Vice Chairman Moore: It's been moved and seconded as stated.

Ms. Wicklund: We talked earlier that this would then go on to the Board of County Commissioners, so we need to state that date. So, this application will go to the Board of County Commissioners on October 18th.

Vice Chairman Moore: Okay. So, moved and seconded for this to be forwarded to the Board of County Commissioners on October 18th.

Ms. Dunham: Do we want to say the time and location?

Ms. Wicklund: It's at 9:30 a.m. at the Board hearing room, 111 South Cherry.

Motion passes unanimously.

Vice Chairman Moore: The motion passes. This will go to the Board of County Commissioners on October 18th at 9:30 a.m. So, we've discussed that item. As I understand this procedure, when we vote, the date and time need to be in the motion –

Mr. Palos: No. We just need that for the record. Usually what happens is, you take the vote, then staff will say, "This item is scheduled before the Board of County Commissioners on"

Vice Chairman Moore: Just so it's in the minutes. Okay.

- C. Consider approving a proposed change in existing city zoning located at 314 E. Main Str., Gardner, Kansas within 1 mile of New Century Airport. Gardner Project Number Z-12-01 and PDP-12-01.

Mr. Metcalfe: This is right down the block from the first location. The corner of Main and Sycamore.

Ms. Wicklund: So, similar location, and again, this is for a rezoning and a development plan application at 314 and 324 East Main Street. This is for construction of a bank. I believe there is a representative here from the bank to answer questions. Again, this was reviewed by Lee and he had no concerns or issues with this application in terms of the airport. As with the previous application, this property is not located within the airport interest area, so therefore, it does not designate proposed further land use for this property.

Mr. Metcalfe: Diane, can I interrupt you? We may have confused you with the terminology between “airport interest area” and the one-mile boundary. Do you understand that those are actually different? We’ll show you those maps next time. It’s still within one mile of the airport, but it’s outside the area that we legislate uses for.

Ms. Wicklund: Yes, so that’s why there’s no designated language shown for this property. Again, the plan does generally support commercial uses in this area, more so than the residential uses. In this case, again, with the construction of the bank, with limited number of employees, limited hours of operation, and limited customer visits, staff had no objections to this application, nor did Lee, and no detrimental effects were seen. Again, representatives from the bank are here if you have more specific questions.

Vice Chairman Moore: Who is the applicant?

Mr. Steed: Arvest Bank.

Vice Chairman Moore: Would you mind standing and tell us your name, please?

Tim Steed, Arvest Bank, made the following comments:

Mr. Steed: I don’t really have a presentation but I would be happy to entertain questions.

Vice Chairman Moore: Any questions about the project? Any questions for the bank? Any public comment? Hearing none, are there any further questions by the Airport Commission, staff, City or public?

Mr. Wittenborn: Mike, I have one comment. How does the FAA interact in this application in terms of building restrictions and that type of thing within this one-mile zone.

Mr. Metcalfe: The FAA does have advisory circulars on land uses around the airport but they have no jurisdiction to actually enforce those. They expect us to enforce those. They expect the County or the airport sponsors, the terminology, to adopt land use regulations to protect the airport. Their only way of sanctioning us is to withhold grants, and they have threatened to do that on occasion. Not us, but other airports. In fact, I think they probably have withheld grants in some cases. So, the FAA has no actual –

Mr. Wittenborn: Okay, then that leads into my next question. Let’s suppose the bank intends to build a 24-story building there. How do we have information necessary to understand the limitations of that building project in terms of proximity to the airport?

Mr. Metcalfe: What we do in those cases, and there have been a few where height was a possible issue, we required, during the City’s review of the application, we required the applicant to submit a notice of proposed construction to the FAA – Form 7460-1, if you’re familiar with that – and the applicant would be required to fill out that form, which has very specific information in it, including latitude and longitude, elevation above mean sea level, and all that stuff. The FAA plugs it into a computer model they have and it will tell the FAA whether or not that structure will be a hazard to air navigation. And then, the applicant gets the report back from 7460, telling them whether or not it

would be a hazard to air navigation. Now, the FAA has no way to stop it, though. They would expect us to stop it.

Mr. Wittenborn: I understand that, but what are the criteria that we would use to discern whether or not to send this application to the FAA for scrutiny on that form?

Mr. Metcalfe: Well, to use an old military term, we would use our M1-A1 eyeball.

Mr. Wittenborn: Okay. I understand.

Mr. Metcalfe: It's a matter of judgment. Right now it's primarily Bob and me, and soon to involve Colin. It does require some ability to read blueprints and designs and interpret those. I suppose if we didn't have confidence in ourselves to do that, we could submit it to our retained engineer or to the county engineer to have them review it. We've been fortunate, I guess, in that I generally have had the ability to understand these things from the blueprints and designs and can tell whether or not it was even in the range of being an issue.

Mr. Wittenborn: Okay, very good. That's all I had.

Mr. Moore: I presume that if the project was getting into that area that Dean and Amy would work together, look at it, and say that it appears to be, you know, encroaching into that market.

Mr. Palos: The way we would look at it, we would talk to Lee. You have had examples of that with cell towers, particularly close to Executive Airport. Lee goes through whatever, like that M1-A1 eyeball. So, that's the only one I can - ?

Mr. Metcalfe: Well, we had Wal-Mart, we had a problem with the lighting patterns in the parking lot, and also when KDOT put new lighting in at the interchange. They didn't go through anybody. They just did what KDOT does, and when we pointed out that they had a light pole sticking up into the instrument approach of 3-6, the FAA got involved and that was worked out. They actually had to take the pole down and shorten it by 15 feet or something. I think all the jurisdictions, including the County, have height regulations that they're going to be looking at anyway.

Ms. Kynard: And just to clarify on this particular application, this is rezoning to a planned zoning district. The bank would be allowed in the current zoning district but our code requires that for shared parking, they have to be in a planned district. So, since they wanted to share parking with the adjacent businesses, that's why this is before you as a rezoning. In the C-1 district that's not planned, there is no height restriction for that, so that actually is a very good question, about how that would apply. In this case, because it's a planned district, the plan that they have submitted to us is tied to the zoning. So, if they wanted to change that plan significantly, which a 24-story building would certainly be a significant change, then in that case, they would actually have to go back through this same process again and it would come back before you.

Mr. Olsen: There is a computer program available through the Kansas City [inaudible] and through MARC, that can tell you whether or not, as far as the FAA is concerned, [inaudible] [Mr. Olsen's comments are mostly inaudible....]

Vice Chairman Moore: Okay. Well, we've taken public comment, and hearing no further public comment – Is there any further public comment? Not hearing any further public comment I will close the public comment section. Public comment is officially closed. We'll make a recommendation on this by the Airport Commission, to be sent to the Board of County Commissioners and be heard - ?

Ms. Wicklund: The same date, same time.

Vice Chairman Moore: On October 18th, at 9:30 a.m., at the Board of County Commissioners' –

Mr. Raynor: So moved.

Mr. Harris: I was going to formalize it. I move to approve City of Gardner Ordinance number 2402, pursuant to the Airport Commission and County Planning staff recommendation.

Mr. Raynor: Second.

Motion passes unanimously.

**End of Transcribed Meeting of the Johnson County Airport Commission Zoning Board
September 26, 2012**

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC. He also announced that BNSF would begin moving the cranes on Monday, October 1st, from New Century AirCenter to the Intermodal site.

VI. BUSINESS FROM THE FLOOR

No business from the floor.

VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 10:38 a.m.

**MOVED BY MR. WITTENBORN AND SECONDED BY MR. RAYNOR TO ADJOURN.
APPROVED (4-0).**

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director

Johnson County Airport Commission October Business Meeting and Strategic Planning Retreat

New Century Fieldhouse
551 New Century Parkway, New Century, KS
October 24, 2012, 8:00 a.m. – 1:00 p.m.

Purpose of Meeting:

The purpose of this Strategic Planning Retreat is to revisit and update the Airport Commission's Strategic Plan, including its vision, mission and strategic objectives for the Johnson County Airports.

Schedule

7:45 a.m.	Continental Breakfast
8:00 a.m.	Introductions
8:05 a.m.	Airport Commission October Business Meeting <ul style="list-style-type: none">• Approval of Minutes for the September 26, 2012 meeting.• Consider ratifying the September 2012 expenditures as presented.• Discuss combining the Airport Commission November and December meetings to Wednesday, December 5th.• Consider approving an Amendment to Leases for T&C Aviation Enterprises, Inc.• Consider approving an Estoppel and Consent to Mortgage Agreement for T&C Aviation Enterprises, Inc. and Capital City Bank.
8:15 a.m.	Ground Rules for the Retreat
8:20 a.m.	Strengths, Weaknesses, Opportunities and Threats <ul style="list-style-type: none">• Challenges facing General Aviation• Economic Development Outlook• Airport Commission's Financial Position• Future Infrastructure• ??
9:20 a.m.	Break
9:30 a.m.	Review Vision and Mission Statements
10:15 a.m.	Strategic Objectives and Goals
Noon	Lunch (working if necessary)
1:00 p.m.	ADJOURN

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – October 24, 2012, 8:00 a.m.
New Century Fieldhouse - New Century, KS

Airport Commission

Present: Messrs. Harris, Moore, Raynor, Webb, Weisenburger and Wittenborn

Absent:

Staff: Metcalfe, Dunham, Perry, McKee and Bellinger

Others: Mike Dolin, hangar tenant
Angelo Fiataruolo, KCAC
Jerry Fogel, Kessinger Hunter
Mike Hockley, Spencer Fane
John O’Neil, Johnson County Wastewater
Ray Olsen, Ray Olsen LLC/AOPA
Commissioner Jason Osterhaus, BoCC
Penny Postoak Ferguson, Johnson County Manager’s Office
Tom Riederer, Southwest Johnson County EDC
Tom Saul, Titan Construction

Vice Chairman Moore called the meeting to order at 8:00 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. RAYNOR TO APPROVE THE MINUTES OF THE SEPTEMBER 26, 2012 MEETING AS PRESENTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

IV. EXECUTIVE SUMMARY

A. Review staff reports:

No additions to the Staff Reports.

B. Summary of Financials:

No additions to the Summary of Financials.

C. Consider ratifying the September 2012 expenditures as presented:

MOVED BY MR. WEBB AND SECONDED BY MR. HARRIS TO RATIFY THE SEPTEMBER 2012

EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. DISCUSSION ITEMS

- A. Discuss combining the Airport commission November and December meetings to Wednesday, December 5, 2012.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. HARRIS TO APPROVE COMBINING THE NOVEMBER AND DECEMBER MEETINGS TO WEDNESDAY, DECEMBER 5, 2012 AS PRESENTED. APPROVED (6-0).

- B. Consider approving an Amendment to Leases for T&C Aviation Enterprises, Inc..

MOVED BY MR. WEBB AND SECONDED BY MR. HARRIS TO APPROVE AN AMENDMENT TO LEASES FOR T&C AVIATION ENTERPRISES, INC. AS PRESENTED. APPROVED (6-0).

- C. Consider approving an Estoppel and Consent to Mortgage Agreement for T&C Aviation Enterprises, Inc. and Capital City Bank.

MOVED BY MR. WEBB AND SECONDED BY MR. RAYNOR TO APPROVE AN ESTOPPEL AND CONSENT TO MORTGAGE AGREEMENT FOR T&C AVIATION ENTERPRISES, INC. AND CAPITAL CITY BANK AS PRESENTED. APPROVED (6-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

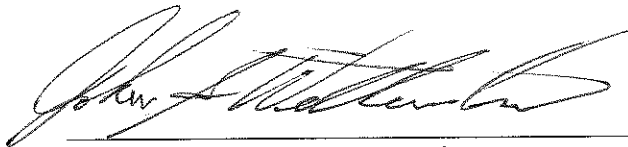
VI. BUSINESS FROM THE FLOOR

No business from the floor.

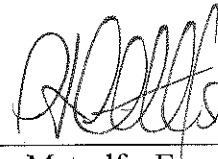
VII. ADJOURNMENT

There, being no further business, the meeting was adjourned at 8:19 a.m. to begin the Strategic Planning Retreat.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO ADJOURN. APPROVED (6-0).



William J. Raynor, Secretary



R. Lee Metcalfe, Executive Director

JOHNSON COUNTY AIRPORT COMMISSION

MONTHLY MEETING
AGENDA
One New Century Parkway
New Century, KS 66031

Wednesday, December 5, 2012 – 9:00 a.m.

- I. **APPROVAL OF MINUTES** for the October 24, 2012 meetings.
- II. **REPORT OF THE CHAIRMAN**
- IV. **EXECUTIVE SUMMARY**
 - A. Review staff reports.
 - B. Summary of Financials.
 - C. Consider ratifying the October 2012 expenditures as presented.
- V. **DISCUSSION ITEMS**
 - A. Consider approving and making a recommendation for the Board of County Commissioners to approve a water agreement between Johnson County and the City of Gardner, Kansas.
 - B. Consider approving a request from DuPont (formerly Danisco) for building demolition and Lease Termination of the building at 201 New Century Parkway, New Century, Kansas.
 - C. Consider approving a Lease Extension for Kansas City Aviation Center, Inc. (KCAC) at Executive Airport.
 - D. Consider approving an Estoppel and Consent to Leasehold Mortgage for Leawood Drive Associates, LLC and Country Club Bank.
 - E. Report of the President, Southwest Johnson County EDC.
- VI. **BUSINESS FROM THE FLOOR**
- VII. **EXECUTIVE SESSION – PERSONNEL MATTERS**
- VIII. **ADJOURNMENT**

JOHNSON COUNTY AIRPORT COMMISSION

MINUTES – December 5, 2012, 9:00 a.m. – New Century, KS

Airport Commission

Present: Messrs. Harris, Moore, Webb, Weisenburger, and Wittenborn

Present by Phone: Mr. Saul

Absent: Mr. Raynor

Staff: Metcalfe, Dunham, McKee and Bellinger

Others: Mike Dolin, hangar tenant
Angelo Fiataruolo, KCAC
Greg Gibson, Signature Flight Support
Jo Ella Hoye, CMO
Commissioner Jason Osterhaus, BoCC
Tom Riederer, Southwest Johnson County EDC

Vice Chairman Moore 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. WEBB AND SECONDED BY MR. WITTENBORN TO APPROVE THE MINUTES OF THE OCTOBER 24, 2012 MEETING AS PRESENTED. APPROVED (6-0).

II. REPORT OF THE CHAIRMAN

No Report of the Chairman

IV. EXECUTIVE SUMMARY

A. Review staff reports:

Mr. Metcalfe briefed the board on a request that came up during the Strategic Planning Retreat in November, to refresh the Johnson County Airport Commission's marketing image and materials. Mr. Metcalfe met with candid marketing and communications and is expecting a proposal fairly soon. candid has recently completed image make-overs for the Southwest Johnson County Economic Development Corporation, the City of Edgerton and they currently are working with BNSF Railroad. In addition, Mr. Metcalfe met with Lou Serrone of Block & Co., Inc. to get ideas of what can be done to energize the brokerage community and he will meet with John Davidson of Davidson Architecture & Engineering, who was recommended by Lou Serrone. Mr. Saul suggested the Airport Commission host a coffee or open house for the brokerage community. Mr. Fiataruolo of KC Aviation Center offered his company's resources and services.

Mr. McKee stated that fueling systems was another discussion item that came up at the Strategic Planning Retreat and that a twenty year contract is consistent with county awarded contracts. Mr. Webb asked the current status on renewals for agriculture leases. Mr. Metcalfe replied that the agricultural leases are generally renewed annually, at the end of the year.

B. Summary of Financials:

Mr. Metcalfe updated the board on the standard procedures and summary format of the monthly expenditures and financials.

C. Consider ratifying the October 2012 expenditures as presented:

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO RATIFY THE OCTOBER 2012 EXPENDITURES AS PRESENTED. APPROVED (6-0).

V. **DISCUSSION ITEMS**

- A. Consider approving and making a recommendation for the Board of County Commissioners to approve a water agreement between Johnson County and the City of Gardner, Kansas.

Ms. Dunham briefed the board on the water agreement between Johnson County and the City of Gardner, Kansas.

MOVED BY MR. WEISENBURGER AND SECONDED BY MR. WITTENBORN TO APPROVE AND MAKE RECOMMENDATION FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE A WATER AGREEMENT BETWEEN JOHNSON COUNTY AND THE CITY OF GARDNER, KANSAS AS PRESENTED. APPROVED (6-0).

- B. Consider approving a request from Du Pont (formerly Danisco) for building demolition and Lease Termination of the building at 201 New Century Parkway, New Century, Kansas.

Mr. Metcalfe briefed the board on the history of the building that Du Pont is requesting building demolition and termination of that lease. After a lengthy discussion, the board stated they had no opposition to terminating the lease and building demolition. They requested Mr. Metcalfe to contact Du Pont to propose a buyout on the lease. Mr. Metcalfe will update the board on that discussion at the next meeting in January.

- C. Consider approving a Lease Extension for Kansas City Aviation Center, Inc. (KCAC) at Executive Airport.

MOVED BY MR. WEBB AND SECONDED BY MR. WEISENBURGER TO APPROVE A LEASE EXTENSION FOR KANSAS CITY AVIATION CENTER, INC. (KCAC) AT EXECUTIVE AIRPORT AS PRESENTED. APPROVED (6-0).

- D. Consider approving an Estoppel and Consent to Leasehold Mortgage for Leawood Drive Associates, LLC and Country Club Bank.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO APPROVE AN ESTOPPEL AND CONSENT TO LEASEHOLD MORTGAGE FOR LEAWOOD DRIVE ASSOCIATES, LLC AND COUNTRY CLUB BANK AS PRESENTED. APPROVED (6-0).

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

Mr. Riederer updated the board on current projects and proposals for the Southwest Johnson County EDC.

VI. BUSINESS FROM THE FLOOR

Mr. Webb asked if any film commissions had ever been contacted for the making of movies at the airports. Mr. Metcalfe replied that he had been approached a few times from film makers. However, Johnson County Risk Management and the FAA discouraged pursuing it further.

Ms. Dunham commented that it was time for the Nominating Committee to meet and make recommendations on the upcoming slate of Johnson County Airport Commission officers. Vice Chairman Moore nominated Mr. Wittenborn and Mr. Saul as the Nominating Committee and a presentation will be made at the next meeting in January.

MOVED BY MR. HARRIS AND SECONDED BY MR. WITTENBORN TO GO INTO EXECUTIVE SESSION AT 10:20 A.M., FOR 20 MINUTES, TO DISCUSS PERSONNEL MATTERS. APPROVED (6-0).

VII. EXECUTIVE SESSION – PERSONNEL MATTERS

MOVED BY MR. WITTENBORN AND SECONDED BY MR. LEE TO CLOSE THE EXECUTIVE SESSION AND RESUME THE REGULAR MEETING AT 10:40 A.M. APPROVED (6-0).

VIII. ADJOURNMENT

The regular meeting was reconvened at 10:40 a.m. and there being no further business the meeting was adjourned.

MOVED BY MR. WITTENBORN AND SECONDED BY MR. HARRIS TO ADJOURN. APPROVED (6-0).

William J. Raynor, Secretary

R. Lee Metcalfe, Executive Director