

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, April 13, 2020
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
Joe Gelroth
Nathan Larson

Staff Present: Monty Wedel – Director, Bob Isaac – Planner and Cory Meyer - Network Administrator

Others Present: Dennis Butler – Director of Riley County Police Department, Brad Jager – Lieutenant, Riley County Police Department, Robert Mertz, Joe Mertz, Tony Akin, Kendall Worrel, Barbara Currier, Joe Knopp and Stanley Moore

Members participating by Zoom: Diane Hoobler, Vice-Chair and John Wienck

Staff participating by Zoom: Leon Hobson – Director of Public Works and Lisa Daily - Administrative Assistant

Others participating by Zoom: Kerry O’Neal – Consultant with Total Range Services, Patrick Shannon, Carolyn Tessendorf, Sharon Eckhoff, James Seymour, Mary Mertz, Kim Mertz, David Mertz, Abram Mertz, Mason Miller, Christine Miller, Alan Zumbrunn, Josh Kyle, Hailey, Jake Mertz, GreggF, Sara Farrar, Mitchell Farrar, Mallory Farrar, Susan King, Wendee Grady, David Weyerts, Asher

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the March 9, 2020 meeting were presented and approved. The Report of Fees for the month of March (\$3,363.00) were presented and approved.

Joe Gelroth moved to approve the consent agenda as presented. Nathan Larson seconded. Carried 5-0.

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board. Diane Hoobler seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Shannon – Residential Use Designator – Extraneous Farmstead & Plat

Chairman Taul opened the public hearing at the request of Patrick Shannon Jr., petitioner and Patrick and Stephanie Shannon, owners, to receive a Residential Use Designator – Extraneous

Farmstead and plat a tract of land in Zeandale Township, Section 14, Township 11 South, Range 8 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is an approximately 5.78-acre portion of a larger 23.14-acre parent tract which has been primarily used for pasturing, cattle and haying. He said the property is currently occupied by an existing single family dwelling originally constructed in 1961. He said the applicant wishes to sell the home and garage on the newly created lot and retain the surrounding property.

Mr. Isaac explained there are two driveways that converge onto a single entrance. He said the north line of the proposed lot is the south line of the driveway that serves the 80-acre agricultural tract west of the proposed lot. He said, the north driveway, however, is not included as part of this lot and does not serve another home. He said the applicant will file a reciprocal travel easement along with the plat to allow functional use of the entrance by owners of the proposed lot and the remaining unplatted tract that the north driveway serves.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, as it had been determined that it met the minimum requirements of the Riley County Zoning Regulations.

Staff also recommended that the Planning Board approve the Concurrent Plat of Shannon Subdivision, as it had been determined that all requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code had been met.

Chairman Taul opened the public hearing.

Patrick Shannon Jr. stated he was the applicant and had no additional comments.

There were no proponents or opponents.

Joe Gelroth moved to close the public hearing. John Wienck seconded. Carried 5-0.

Diane Hoobler moved to approve the request for a Residential Use Designator – Extraneous Farmstead, as it was determined it met the minimum requirements of the Riley County Zoning Regulations. John Wienck seconded. Carried 5-0.

Joe Gelroth moved to approve the Concurrent Plat of Shannon Subdivision, as it was determined it met the minimum requirements of the Riley County Zoning Regulations, Riley County Subdivision Regulations and Sanitary Code. Nathan Larson seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the plat portion of the request on April 27, 2020, at 10:00 am, in the County Commission Chambers.

Board of County Commissioners of Riley County, Kansas – Special Use Authorization

Chairman Taul opened the public hearing to consider the request of the Board of County Commissioners of Riley County, Kansas, petitioner and owner, for a Special Use Authorization for the establishment, construction and operation of a training facility for the Riley County Police Department in Zone “D-3” (Heavy Industrial) for a tract of land in Zeandale Township, Section 28, Township 10 South, Range 9 East, in Riley County, Kansas.

Joe Knopp stated as a preliminary matter he would like to raise a concern about taking this item up at this time. He said he believed the hearing was out of order, improper and should be

delayed until after the Coronavirus (COVID19) pandemic had subsided. He said it would be no cost to the county and greatly improve the fairness to adjoining land owners and the people involved.

Monty Wedel, Director of Planning and Development stated staff had met with legal counsel and the format of the meeting met all the requirements for proceeding with a public hearing.

He said he would present the staff report then turn over the hearing to the Riley County Police Department and the consultant for Total Range Services (TRS). He stated the request was a special use, which was similar to a rezoning. He explained that a public hearing is conducted and the Planning Board provides a recommendation to the Board of County Commissioners who makes the final decision. Mr. Wedel said the request is also like a conditional use, with conditions attached and bound by a site plan.

Chairman Taul asked if there was a time frame involved once the recommendation for approval was made.

Mr. Wedel stated there would be a 14-day protest period within which a valid protest petition may be filed with the Riley County Clerk's office.

Mr. Wedel said the proposed site was quarried for years by Bayer Construction and there was no requirement for reclamation because it is "grandfathered". He said the existing firing range is located directly south of the proposed site. He stated the proposed site has been zoned heavy industrial since prior to 1974.

Mr. Wedel stated that, due to the pandemic, he contacted all the property owners within 1000 feet surrounding the site to explain to them that only so many people would be allowed to attend the public hearing in-person. He asked each property owner to send one representative to the hearing and the remaining interested parties could either participate via Zoom or by conference call.

The proposed site plan was reviewed starting with the entrance, buildings for classrooms and storage, firing range area with a hill behind it. Mr. Wedel stated there would be rubber bullet traps and barricades which the current site doesn't have and should make this site safer. He said that, potentially, the site may also include an emergency vehicle operators course.

The surface danger zone for the current site was displayed which showed firing pistols to the north and rifles to the east. Mr. Wedel said the current danger zone does include some residences, but said he that doesn't mean it unsafe and to date, there haven't been any issues. He explained that the surface danger zone for the proposed site was displayed, showing all shooting would be in one direction, involving a lot of the same property as the current site, only with no residences.

Mr. Wedel stated there was a travel easement for the benefit of the property to the east. He said staff has a team working on how to provide access through the proposed site in a safe manner and will present proposals to the current easement holders at a future time. He said it would be resolved before finalizing the firing range. Mr. Wedel said he could not discuss the easement situation further as it must be a private conversation with the current easement holders.

Photos of the proposed site were displayed showing the gated entrance and the low water crossing that has three culverts, which allows for good access. Mr. Wedel said staff had

suggested conditions for all weather drives and parking areas. He said that, unless the site plan indicates excavation, the vegetation would remain in its current form. Mr. Wedel stated the site would have restrooms and that the type of wastewater system hadn't been determined yet but would be in full compliance with the Sanitary Code. He said the report that accompanies the site plan mentions bullet trap mining to capture any lead contamination, which will be a recommended condition for the request.

Dennis Butler, Director of the Riley County Police Department stated he has been in the community for a little over one year. He said this will be his 40th year in law enforcement and he has worked in two previous departments that owned their own firing ranges. He said he was never the range master or a firearms instructor. He said the first indoor-outdoor range he was associated with was located in an industrial yet very urban city of over 100,000 people. He said that range had been professionally operated and is in its 60th year of operation. He explained the Riley County Police Department was accredited and firearms qualification is an important component of accreditation.

Mr. Butler said he moved to Kansas in 2004 and was appointed the chief of the Ottawa Police Department where he spent the next fourteen years. He said they had a strictly outdoor range located on the west side of town and immediately adjacent to farmland. He explained that whenever the department had a scheduled training, the landowner was routinely notified.

He said firearms ranges are a hot commodity in terms of there are not a lot of them. He said the Ottawa Police Department shared their range with other departments. Mr. Butler said one of his staff managed the range and that he was not aware other departments were allowed to use the range on weekends. He said he received a complaint from someone visiting a nearby cemetery on a Sunday, reporting they could hear gun fire from the range. He said that, as a result of the complaint, he changed the rules to prohibit any shooting on Sundays or holidays.

Mr. Butler stated he wants his department to be considered a good neighbor in occupying the proposed site. He said he takes seriously his obligation to the community as the director and previously as police chief in being a good neighbor. He said there is no question when you have a firearms range, there was going to be gun fire and loud noises. He said the range will not be operated seven days a week or, at this point, shared with anyone else.

Mr. Butler said Riley County Police Department trains every Wednesday and the rest of the year is sporadic. He said there is one time of year in the fall they train after sunset for night firing opportunities for the officers. He said most of the annual training occurs within a two-week time frame.

Mr. Butler said when he arrived in Ottawa, the department was not accredited, but was when he left. He said the Riley County Police Department has been accredited since 1991 and is the longest accredited department in the State of Kansas. He explained what that means is this agency voluntarily agreed to abide by what are considered the best practices in law enforcement. He said less than five percent of all law enforcement agencies in the country are accredited; it is not mandatory, it's voluntary. He said there are over 18,000 law enforcement agencies in this country; just over a thousand are accredited. He explained that by agreeing to abide by accreditation practices, it tells you this police department believes in following the rules by setting standards high and following those standards. He said sometimes people have ideas about law enforcement; sometimes they are misinformed. He said every department he has

worked in, including Riley County, officers do not have unfettered access to the range; they always have to be under the supervision of a certified range master, which means it has to be scheduled, supervised and made safe.

Mr. Butler said he wanted to give a background on his view of how we would operate a range like this and how he is committed as the only law enforcement agency you have serving you, to be a good neighbor and be responsive to any concerns or suggestions you might have on how we can be a good neighbor and also to be able to train officers according to state standards that have to be met. He said shooting a firearm is probably one of the least common things we do in the course of our regular duties, but it is the most high-liability activity they will ever engage in as a police officer. He explained that we have to train our officers routinely, have to meet state standards and we exceed those standards because it is that important that if we ever have to do it, we do it in accordance with law and only when it is necessary.

Chairman Taul asked in a course of a year, how times would the facility be used for group training sessions.

Mr. Butler said that would be a question for Lieutenant Brad Jager. He said to try to maximize training opportunities and minimize overtime, they overlap their schedules every Wednesday for training. He said that doesn't mean every Wednesday everybody gets trained in firearms. He said we do have a swat team or tactical team, we call it our emergency response unit; they do routinely use the range a couple times a month and may even use it every Wednesday. He said for the rest of the department, they use the range less frequently. He said when they have to go out for their mandatory qualifications, again, they try to group them as much as they can. He said the classroom that is part of the building can hold up to 30 students. He said for example, when we go out to shoot on mandatory retraining, we don't just hand them ammunition and have them stand out at the firing line. He said part of our routine course of instruction for requalification is that they have to go through a classroom refresher on use of force on what state law is, what case law is, what training tactics are, etc. He said they have to do that before they ever step foot on the range. He said there are about 111 authorized police officer positions.

Brad Jager stated he is a Lieutenant with the Riley County Police Department and part of his duties are the training division. He said he oversees all the training in the department, a part of which is the range operations. He said as the Director mentioned, basically as police officers, society has entrusted to us to provide some degree of protection. He said in order to do that, we have to ensure that we regularly train. He said we train them in not just going out to the range and pulling a trigger and shooting at a static target; there is much more involved. He said a lot of that is making sure we make the right decision.

Lieutenant Jager said generally, our range will be operated very similar to what our current range is now. He said they are probably at the range four to six times per month, but during the winter months it is less frequent. He said frankly, our current facility doesn't have any heat, air or restroom facilities. He said there isn't anywhere for officers to wash their hands. He said it really limits our ability and the new facility will provide a little more opportunity to be out there more. He said as the Director mentioned, we try to train as many people at one time to maximize our time. He explained that it is difficult to get range instructors out there as it is a collateral duty and not their full time job. He said the instructors are also police officers or do something else at the department. He said in order to make that happen, we have to coordinate everything.

Lieutenant Jager explained there are state mandated qualifications that have to be met on an annual basis. He said internally, their policies state for an officer to be issued or utilize any firearm or weapon, the officer has to qualify on an annual basis. He explained that whether it is a patrol rifle or 40mm handgun, the Department has to make sure the officers are proficient with the weapon, should they need to use it. He said a lot of these weapons are not utilized a whole lot but they need to make sure they train on them.

He said the range operations will be operated very much like it does now; Monday through Friday during day time hours. He stated, as indicated, they have to train sometimes during the night time, but usually not past midnight. He said they hope to communicate well with everyone when the range is in operation. He said there are certain safety measures in place where they have a range flag that is put up, with a light on it, so that anyone on the surrounding properties knows they are training at the range. He said they notify their communication center that they have training so anyone that is concerned can call the center.

Kerry O'Neal stated he is the consultant for TRS, Total Range Services from Eagle, Idaho. He said this range project didn't happen overnight. He stated he has been involved for many years trying to find the right site. He said the right location for safety is number one, with the added ability to expand in the future; second, a site that would be the easiest to maintain yet be able to control the course of fire, the zone fire and anything pertaining to lead or sound mitigation that might need to happen in the future. He said the proposed site lends itself to really be the best site available.

Mr. O'Neal said they looked at multiple sites, including the old range and areas around the range, to try and find something suitable. He said the proposed site was the most cost effective because it was relatively flat and the land had already been disturbed. He said they met with the County and the police department; they have been very proactive in trying to meet all these requirements. He said that is number one; but it is very difficult to get entities together to work things out to come up with a common bond.

He said that TRS, myself have been in the range business for about 30 years. He said he started this company in 2002 and has done hundreds of ranges. He said TRS has done the majority of the ranges for the Federal Bureau of Investigations for the last 17 years nationwide.

He said there are many ranges that are being sued and one thing they take into account is to make sure that a range is going to be around for a long time; a minimum of 20 years in the current Phase 1 design. He said typically it would be 40 years but they start to see firearms change at that point.

Mr. O'Neal explained that most range design projects are done in phases mostly due to finances. He said the other is the type of training for the future. He said in reviewing the site plan, it shows two 50-yard ranges with a dividing ballistic concrete wall between the ranges. He said facing down range to the right, there will be a concrete area for people to come in with vehicles for vehicle based training. He explained that the range will have a ballistic rubber backstop that is completely contained so that any rounds that are fired will be absorbed and eventually mined for the lead. He said an integrated storm water filtration system, in conjunction with the rubber backstop, will filter any metallic components out of the storm water before it is discharged into the environment. He explained there will be a wall in front of the backstop that protects the target that goes behind that wall. He said this is a very efficient year round use range which is

clean and offers the safety features needed for the shooters, the surrounding properties and the environment.

He stated that at the 50-yard line, there will be a canopy to provide coverage before going onto the range. He said the walls that divide the ranges are 10 feet tall and interlock male female so there are no gaps between the walls themselves.

He said the “surface danger zone” was setup by the Department of Defense as a worst case scenario. He said this would be the worst case scenario if you didn’t have a backstop, no mitigation of any kind and someone were to fire a round; this would be the potential distance it would fly or a round could ricochet. He said it is to show if we go to court for range issues, this would be if you had no mitigation. He said this is different than having a range hill like at the current range; this has a backstop and above the backstop will be an added earth berm to help mitigate any rounds that might have the potential opportunity to leave the site. He said it is a much better direction than the existing range, as there is not nearly the feasibility of someone possibly getting hit on the road or the structures in that area. He said the new range and the new surface danger zone is pretty much open agricultural land. He said of all the ranges that we (TRS) do and we have 300 in construction all the time year round, this is one of the best sites that he has ever seen. He said it lends itself to minimum population, the direction of fire being a very easy way to mitigate the sound. He said with that being said, we do this weekly and I feel this is one of the best sites we have looked at in a long time.

John Wienck asked why the current range site couldn’t be transformed.

Mr. O’Neal said there were a couple of reasons: one, the old site, ballistically is not nearly as safe as the proposed site. He explained baffling would have to be installed, which is very expensive and cost prohibited under these circumstances; and two, the site lends itself to a much easier place topographically to build a new range because it is relatively flat.

Mr. Wienck asked if the drainage would be ran to the ponds located below the range area.

Monty Wedel explained to the board members that the existing site has been leased for 25 years and the lease expires soon. He said the County could not reach an agreement with the landowner to continue the range at the current site. He said the County had to come up with a new site.

Diane Hoobler asked when the lease would expire.

Mr. Wedel replied the lease would expire in June.

Mr. O’Neal said he has been to the current range site when there have been heavy rains. He said there is a tremendous amount of water that leaves that site and collects in the creek. He said there isn’t a stormwater runoff plan and the site itself would have to be changed. He said in order to mitigate that to be able to capture the lead and then be able to divert it, there would have to be some type of filtration system.

Diane Hoobler stated the water runs into the ponds and then into the creek.

Mr. O’Neal replied that is correct.

Nathan Larson referred to the staff report that it stated the County would discuss with the landowners about the current use of the easement. He asked if the discussion had happened yet.

Monty Wedel replied no but staff had a team working on options. He said once those options have been determined, which should be in the near future, the discussions would be conducted.

Chairman Taul opened the public hearing.

Roger Seymour stated his father, Harold Seymour and his wife Ada, bought the property where the current range is located in 1962. He said his brother James Seymour is now the current owner. He said prior to his father's passing, his father made an arrangement with the County to lease the property for 25 years for the firing range. He said that lease expired last year and in the interest of fair negotiations with the County, the lease was extended for one year to come up with a solution.

Mr. Seymour said many of you may be aware that the County was threatening eminent domain. He said from our standpoint that was stealing property from his brother when his dad, in good faith, offered a fair lease at the time.

He said the County came to terms and bought the adjacent property from Bayer Construction Company. He said we have always tried to negotiate with the County as a family. He said we have spent more than six years of income generated from the lease in legal fees defending ourselves from the County. He stated that makes him mad. He said he has friends here at the meeting that are involved and see it as a danger to them and to their livelihood.

Mr. Seymour stated his family is willing to extend the lease and asked the Board to table the request. He said having this meeting in this format, in this environment where people are concerned about the virus and not all the people can be here is not fair to the taxpayers of this County. He asked that the Board table the request until the crisis situation is gone and allow the County to come back and negotiate in a 30-60-90 day period of time.

Chairman Taul asked Mr. Seymour what he meant by "negotiate".

Mr. Seymour replied negotiate the continued use of the current range for 30-60-90 days after the lease expires on June 30, 2020. He stated he was going to make an offer that the County probably couldn't refuse. He suggested to table the request for 30 days and, as a family, we will not charge the county for those 30 days.

Chairman Taul stated the purpose of the public hearing was to get input from all the public and then make a decision.

Mr. Seymour stated he was passionately asking the Board to table the request. He said he wanted to be fair with his neighbors. He said this process was not fair where they have to wear a mask and where they can't have everybody here that wants to be here.

Chairman Taul stated for the few that are in attendance, it would be beneficial to hear their comments.

Mr. Seymour stated he would like to point out a few items about the current use of the range. He said he had a neighbor that wanted to look at the range and take some pictures. He said he got approval from the police department and took the neighbor to the range today. He said there were two officers out at the site with guns. He reminded the Board of two requirements of the lease: there is supposed to be a flag up whenever there is any personnel on that property and the neighbors must be notified that there is activity of any kind going on. He said he hasn't seen a flag flying for years and we haven't gotten notification for over 10 years. He said you got our

emails and our phone numbers. Mr. Seymour stated the director of the police department was probably the best director we have had in 20 years. He said he runs a professional operation and now, that he is aware of this, I guarantee that flag will be flying and they are going to be notifying my brother every time from now on.

Mr. Seymour said we really need to be transparent with the public and this meeting is not what he considered transparent or fair. He said in the requested 30 days, Monty and the County can go back and talk with the easement holders; this is our solution. He said instead of saying we will work it out, because I can tell you as someone having to deal with the County as a lease holder, they haven't honored this contract. He said they haven't worked things out and he had no reason to believe that they were going to be fair to his neighbors on that easement.

Bob Mertz stated he lives at 7280 Zeandale Road and thanked the Board for allowing him to voice his concerns. He said this is their first and only chance to date to respond on the site plan and staff recommendations. He said they received this information on April 6th, that was just eight days ago. He said he and his brother Joe were representing family members that have an invested interest in this proposal. He said this would include Jake Mertz, Carol Mertz, Kim Mertz, Mary Mertz, Betty Campbell, Rebecca Price, Craig Price, Rhonda Miller, David Miller, Tom Mertz, Donna Mertz, Jonathan Mertz, Jane Garcia, Bob Garcia, as well as another twenty plus extended family members who have an invested interest in these lands because of past and future use. He said they are proud of their heritage and try to excel in their farming endeavors, whether that is technology, genetics, embryo transfer in our purebred cattle operation or stable farm operation using cover crops, GPS technology with prescription seeding, prescription fertilizer and equipment.

He said they have farmed and grazed this area for over 100 years. He said he thought most people that drive by their farms know they are some of the most well-kept, nicest looking farms. He said even their main farm operation was shown in one the pamphlets for Vision 2025. He said the Mertz's want to be good neighbors and we want good neighbors.

Bob Mertz said their legacy has been to be involved in community, local needs and issues. He said that he and Joe sold land to Wabaunsee Rural Water to help establish the rural water system in Wabaunsee. He said their great, great grandfather, Alex Hutchinson, established and was a charter founding member of the Wamego Telephone Company. He said both he and Joe are on county and state boards. He said Joe was shocked after reading the proposal as he was a participant in Vision 2025. He said it is very concerning to them that the plan says future residential development in this area was not recommended. He said they are deeply concerned about their economic and safety issues in regards to this plan. He said they have been farming this ground for 100 years and hope they can have their sons, daughters or grandchildren farm this ground for another 100 years. He said the decisions you make are going to impact this for another two, three or four decades. He said it is also going to impact us and we have already been here ten decades.

Mr. Mertz handed out pictures to the Board and said they have a different perspective of this ground. He said they have an over 212-acre field in the "danger zone" that we commonly refer to as the top of the world, which is just a quarter mile from this area. He said they consider this ground on top of that hill. He said the current range site is nestled down in a quarry cut out in the valley. He noted in one photo, you could see all the way through valley. He said there is not a line of trees that goes around the proposed site, which will not stop the visual and sound

impacts. He said most of these trees are below the border line of this area. He said in his opinion, it was like looking at an amphitheater looking down to the valley.

Mr. Mertz, referring to a submitted photo, noted the pasture road they use, which he said is sometimes hard to see. He said this is a gravel road, which shows how much they use it and how much they need to have access to this area. He said for a pasture lane, it really is a pretty nice road. He said at the end of the lane, this is where they will be driving up and taking a left around that bluff right in the center. He said the proposed shooting range is to the right of that bluff. That is about a 30-foot bluff and shows that we will be driving beside where our easement is and behind this area.

The photo he showed next was looking from Mason Miller's pasture, looking directly at the proposed site. He discussed the lack of trees around the proposed site. He said if he were Mr. Miller, this would be a heck of a site for a retirement home.

Referring to another photo, Mr. Mertz pointed out a loader tractor which was two to three hundred yards from the proposed shooting range. He said the bluff is 30 feet tall and the proposed back of the shooting range will be 20 feet. He said they would be able to look directly down into the shooting range. He said their concern is they have employees and contract people who will be directly in line with the shooting range.

Mr. Mertz showed a photo of a tract of land that he and Joe Mertz own just directly north of the current range within a quarter of a mile. He said they have some of the best views overlooking the valley. He said he could guarantee there would be a lot of interest in the location for people who would want to buy. He said they would have to turn it down to be good neighbors, although they want their kids to have an opportunity to build a home. He asked what could make a dad more proud than to have his children or grandchildren reside close to home on Mertz property.

Mr. Mertz said he took a sound decimal reading at their fence line firing a 308 and a 223 rifle, resulting in an 85-95 decibel reading. He said that is a pretty high loudness. He said there was a strong north wind pulling the sound away from him.

Mr. Mertz then read a letter from Richard Felts, President of Kansas Farm Bureau dated April 13, 2020.

Dear Planning Board:

The purpose of this letter is to provide comments concerning the above-referenced application for a special use permit for the development of a training facility and gun range for the Riley County Police Department.

The Kansas Farm Bureau represents more than 30,000 farmer and rancher families in the state of Kansas through their participation in county Farm Bureau organizations in all 105 counties in the state. These farmer and rancher members own and manage millions of acres of land. Farming and agricultural activities in our state provide thousands of jobs that support rural economies. These activities likewise contribute to our nation's economy, and provide a stable food supply for our communities.

Our policy, developed by our farmer and rancher members, vigorously supports landowners' rights (Gov-15). It is our opinion, that the staff recommendation for this application, and the Total Range Solutions site plan report, summarily dismissed the rights of landowners

adjoining the tract of the proposed gun range as unimportant because they are agricultural in nature. There are several issues with that conclusion, but we will provide three for your consideration. First, the fact that these are not heavily populated tracts does not mean there is a complete absence of human occupation. As working agricultural lands, these tracts are seasonally occupied when nature dictates the necessity to prepare and harvest the crops grown thereupon. The safety of these agricultural producers and their employees could be jeopardized by the proposed orientation of the firing range. Second, at least two adjoining landowners use a travel easement across the proposed training facility property as the only practical access to their properties with heavy farm machinery. The training facility could inhibit that access and prevent these landowners from carrying on agricultural operations on their lands. Finally, the presence of this firing range would greatly restrict the development potential of these surrounding tracts should a future generation of owners determine that crop production is no longer the desired use for the land. In fact, staff's report recognizes this fact with the following statement on page 2 of the report, "Consequently, future residential development in the area is not recommended and is anticipated to be very limited."

For the reasons discussed, we strongly encourage the Planning Board to make a recommendation to the Board of Commissioners of Riley County, the deciding body as well as the applicant landowner, to deny the special use permit #20-0017 for the Riley County Police Department training facility.

Sincerely,

*Richard Felts, President
Kansas Farm Bureau*

cc: The Riley County Farm Bureau Association

Mr. Mertz asked that each of the planning board members receive a copy of the letter. He asked in closing why on earth you would consider building a shooting range on top of a hill. He said this does not make sense to me and a lot of other people. He said a lot of landowners are opposed to the proposal and he asked the Board to table the proposal and rethink the plan.

Joe Mertz stated he was one of the adjacent landowners to the proposed firing range. He said he had lived east of Zeandale his entire life and had farmed and ranched since 1973. Safety was a big issue in his opinion of the proposed firing range. He said he had been haying and running cows in the area of the proposed firing zone for the last 50 years.

He said the current range has 25-30 foot embankments around it. He said the proposed site will have a 20 foot embankment and sits on top of a hill with open range behind it. He said they managed and farmed that area behind the proposed firing range for the last 50 years. He said he is afraid their employees will be afraid to work in the area do to the fact that they will be in the danger zone. He said furthermore, he believes the safety of their employees could be jeopardized by the proposed firing range. He said besides haying operations in the danger zone, they have people hunting, cattle grazing, farm operations where they are planting and harvesting crops. He said the township road, 56th Avenue is in the danger zone behind the firing range. He said the road is used by the public, his family for recreation and their employees traveling to take care of farm operations. He said any high powered shots going over could hit the public.

Mr. Mertz said his second concern was right-of-access, because of the outdated bridge that crosses Deep Creek on E. 56th Avenue. He said the bridge has been on the books to be replaced since 1994. He said they have had to go through the proposed firing range the last 20+ years with their larger farm equipment. He said they have been advised by counsel that, due to the length of time they have been accessing this property, the access qualifies as a legally recognized easement by prescription. He said no place does it mention this in the report and it needs to be addressed.

He said a third issue was how the proposed firing range was going to hurt the surrounding land values. He said the surrounding pastures overlook the scenic valley and are a prime place to build a house in the future. He said the proposed firing range will greatly restrict the development potential of the surrounding ground, should our families or future owners decide to use this land for some other purpose. He referred to page 2 of the staff report and quoted, "Consequently, future residential development in the area is not recommended and is anticipated to be very limited." He said he disagrees and said multiple houses could be built within a mile radius under current zoning.

He referred to Page 5 of the staff report and quoted, "The County Engineer has reviewed the request and reported that traffic flow on Tabor Valley Road will be similar to the traffic to the existing range." He asked if you put a race track up there, will there be more people coming to use it? He asked if the county puts in a state of the art range, will other counties use it. He asked if the county builds new buildings for training, will more people be coming out there to train. He said he thinks we all know traffic will increase.

He referred to Page 5 of the staff report and quoted the staff recommendations, "The proposed location borders the tract that houses the current firing range/training facility, thus the potential negative impacts of this new proposed facility on surrounding properties should not be dissimilar from that of the current location." He stated he strongly disagrees with that statement. He contended the current location is surrounded by 25 to 30 foot of dirt embankments with large cedar trees on top; very secluded and can't be seen. He said the proposed location is on a hill with no trees, surrounded by open range. He said he will be looking at it all day baling hay. He said noise is going to travel farther, stray bullets are going to travel farther and it's going to be a lot more dangerous situation, in his opinion.

He referred to Page 5 of the staff report and quoted staff recommendations, "The installation is partially screened by several existing stands of mature trees and other natural vegetation that minimizes adverse visual impacts on surrounding properties". Mr. Mertz said, he didn't know if staff went out there, but most of the trees are to the west between the road and the proposed range. He said the only thing the trees are going to do is screen this facility from Tabor Valley Road. He said on the other side, it's going to be open range visible from nearby hill tops.

Mr. Mertz asked the Board to table the request until they can get answers for these problems. He said maybe there is a better and less costly solution for the adjacent landowners and taxpayers of Riley County, especially in these uncertain economic times.

Joe Knopp stated he was a lawyer representing the Miller and Mertz families. He said the preliminary matter he wanted to raise, just for the record, is that this really was an unfair hearing. He said any quasi-judicial hearing, which the Planning Board is, you ought to be able to see people who are offering evidence. He said you ought to be able to look at them and judge whether or not they are trustworthy, like any court proceeding that is a big part of the

credibility people will have. He said these folks have that credibility, but it's lost in this setting. He said he couldn't tell if they were puzzled or what was going on at all with Mrs. Hoobler or Mr. Wienck. He said it's just not the right way to handle something that was going to be significantly impacting this land.

He said you say for 30 years; I say for a thousand years. He said we are shooting stuff up out there that is not going to be picked up, it's going to be left and contaminated lead particles are not going to be found. He said it is going to be affecting this pristine prairie for generations, not just 30 years and that is why this is an important issue. He said the County really hasn't provided a reason why they have to have this hearing tonight. He asked can't it wait three weeks. He said they haven't given us a good answer. He said it is obvious there are a lot of things that aren't done or completed and the county isn't ready to start construction tomorrow.

Mr. Knopp said he wanted to talk a little bit about the comments people had made. He said it is important for you to understand those danger zones and the height of the different elevations. He said he thought the Mertz family had argued and demonstrated very clearly when you shoot from a high standpoint, you are shooting over. He said you are shooting down into the valley where the current range is located.

He stated he had worked with the Seymour's for the last 30 years and had tried to do some of the negotiations; it's been a blank wall. He said you know you throw something up and no response. He said they view us as being, anyway, I am not going to get into that.

Mr. Knopp said the staff report talks about "there are no variances, conditional uses or other special uses associated with the site". He said he wanted to talk from a legal standpoint on what was going on. He said there clearly is a travel easement that was granted and constructed back in 1995 which was recorded in Book 674, Page 260. He said to show the difficulty of this hearing; if all five board members were here, he would pass it around for everyone to see it. He said the easement is a very straight forward easement. He said the map that is shown in front of you shows the easement making a big loop around the proposed training site. He said he hadn't had time in the last five days, since he got this notice, to ask a surveyor, but thought that the easement goes right through the proposed training site. He said you can't take that away from us without due process or acquiring it through eminent domain, if you have to.

He said the second easement problem was on page 3 of the staff report. He quoted, "The proposed site will be served by water supplied by Wabaunsee Rural Water District No. 2." He said he wasn't aware of any water utility easement serving this site. He said there is a roadway easement that comes in from Tabor Valley Road to the site and he suspected that the Wabaunsee rural water lines goes down Tabor Valley Road. He said it would take an easement to cross the property owned by Mertz to get water to this site. He said not only is there a travel easement from the east, there is a water easement problem from the west. He said both of these problems haven't been addressed to his knowledge at the present time.

Mr. Knopp referred to page 4 of the staff report, quoting, "by owning rather than leasing the property, the County will have control of the property and therefore investment in the aforementioned facilities will not be jeopardized." He said well, that is one way of looking at it. He said what is good for me is probably going to be bad for somebody else. He said it will be significant economic hardship to the Miller's and the Mertz's because now we're putting in this facility and depreciating the value of everything around it.

Mr. Knopp said that he wanted the Board to consider the current firing range site (the Seymour site). He said we know it is full of lead and is going to take significant environmental remediation to clean it up. He said we do not know the cost of that and neither does the County. He said the question we are asking is probably beyond your scope as a planning board but answer that question or ask the question: Why dirty up another site? Why shoot bullets in a different direction when you have already dirtied up one site. He said that seems to him to be a significant problem.

He said the site plan report offers efforts to minimize lead contamination and minimize potential environmental hazards of this shooting range. He said the consultant identified that. He said the question we don't know at this point is when is this going to be up and running. He asked when the proposed site is going to be constructed. He asked will there be shooting from July 1st until whenever it is going to be constructed, against a blank hill. He said it is hitting a blank hill, having the fragments flip up and over that creates a lot of the lead pollution. He said they hope that they are good enough shot that they don't miss the target so hard that the bullet goes over. He said that's the two mile danger zone. He said for the Mertz's, who are adjoining to this site, the concern is that bullet fragment that hits that flint rock, smatters into pieces and continues to fly over into the other side, spreading lead across that site. He said the Bayer's reported from the old site that it was not unusual for them to hear plinks hitting off their equipment while mining or doing gravel. He said we know there is a lot of lead over the hill. He said if we go to the new site shooting west-east, it is going to go right into the Miller property.

Mr. Knopp said TRS had communicated they didn't believe the new site would have any increased activity from that of the current facility. He said the Mertz's have addressed that. He said the current lease says that it is only to be used for the Riley County Sheriff and Police Department. He said it's not to be used by Wabaunsee or Geary County or anyone else, yet we know that has happened. He said we don't know how often, but once that lease restriction is off, there is no reason not to. He said from a taxpayer's standpoint, if you are going to spend hundreds of thousands of dollars on this shooting range, then by golly, let's lease it out and get some money back for the capital investment. He said let those people come in and use it. He said he didn't think there was any reason why it shouldn't happen. He said he thought the noise, the traffic and the sound was going be much different than it is right now.

Mr. Knopp said let me also suggest, Monty made a strong point but to his credit, he was being candid with you; what we are doing tonight we are approving the entire site. He said this reminded him of the magicians: I am going to show you what is in this hand where this hand is the one doing all the action. He explained what is happening in this case is you got this drag strip race track that is being proposed. He said he was sure it was designed to help people get training in rapid acceleration, handling high speed turns, handling chase and evasion tactics that is a major component of this site development. He said they say it isn't going to happen, well he thought they were right, it won't happen tomorrow because of the economic hard times we are in. He said the County has a way of doing things for the police department that they can't do for anybody else. He said this is a major consideration the Board should be thinking about. He suggested looking at the entire site and what it is going to do to the whole neighborhood. He said that driving track is a major component the Board needs to consider.

Mr. Knopp presented options for the Board to consider.

1. Deny the request:

- Severe adverse effect on adjoining property owners; their restricted use of their property and reduced property values.
- Inherent danger to people, livestock, and expensive farm machinery.
- Harmful environmental impact on neighboring property; cleanup of lead.
- Increase in traffic, use, noise, arising from the facility.
- Not consistent with the Comprehensive Land Use Plan.

2. Table this request:

- Until you receive more information about the drag strip/race track and how it will affect the neighborhood.
- Until the travel easement is resolved. Without it, the property cannot be used. No reason to grant a special use permit.
- Find out about the County's future mitigation/restoration of the property.

3. Approve the request with the condition:

- That the County not commence use of the facility until all of the proposed improvements are completed.
- The County agrees to a program for cleaning up the current site and restore the land at the conclusion of the lease that meets the Kansas Board of Agriculture requirements as they exist today.
- Stop any potential pollution leaving the site, whether the source be originated on site or is being produced off site and running into this site.
- Compensate fairly the adjoining landowners for the trespass on their land by bullet fragments and taking of travel and water easements.

Mr. Knopp stated he was going to make some general observations and be as candid as he could be with the Board. He said you represent the people of Riley County and our long term interests in being good stewards that God has given us in this land. He said the County Commission is in a unique position, as they are the developer in this case. He said the last four to five years, he has represented developers who have come before planning boards and say, "we got to have this right now" and "if you change it or make any conditions to it, it will not work at all." He said planning boards call their bluff, make them go back to the drawing board and make it better. He said we have gone back, made concessions and it has been better. He said the developer has found that it is better. He said in this case, the County is like the developer and has lost its objectivity.

He said the County has gotten into a feud with the Seymour family and by golly they are going to show they can do it. He said he thinks the Board can be the adults in the room. He said Mrs. Hoobler and Mr. Wienck, this also makes you adults in this room, even though we can't see you. He said the point he was making was this was an awesome responsibility and trust the Board had been given. He said your pledge is to treat all people equally, whether it is a peasant or a king. He said a lot of work went into establishing that right and those are constitutional rights that the

Board is standing here protecting, the same way our founding fathers did. He said in his opinion, you have an oppressive government who has come to a conclusion and is ramrodding this through. He said once you make a decision, they can approve it or reject it and go merrily on their way. He said the strength of this comes in the power of your opinion to say, “wait a minute” and look at it as impartial people. He said we think there is some serious, good arguments being made. He said the County, as the King, gets the right to make the rules. He said the County Commissioners have relied upon your independent judgement in a number of occasions. He said it is important for you to give the best guidance you can give them. He said to the Board your job is to protect the people of Riley County and be good stewards of this land. He said exercise a great deal of caution and take a strong position.

Tony Akin stated he is the trustee for Zeandale Township. He said Bob Isaac initially contacted him and wanted to know if the township would have any issues with the request. He said he didn't see any, but after reading the staff report and materials, he said there was another access point – E. 56th Avenue. He said the road is still open and the bridge is rated at five tons. He said so far, the Mertz's and Miller's haven't pushed to maintain it. He said he guaranteed none of you (the Board) would want to drive your car over the bridge. He said he definitely would not take the township grader over it. He said at some point this needs to be addressed, which would cause considerable expense to both the county and the township.

Mr. Akin stated as a neighbor, for some reason, that tract attracts all kinds of sightseers. He said there are people there all the time and there is not a weekend that goes by there isn't a half dozen cars in the driveway. He said people are out walking and not sure if it's the creek that attracts them. He asked who was going to watch the access to the site and provide security. He said he has lived caddy-corner to the site since 1990 and you don't have to worry about the police securing it, because they don't have any. He said if they are not at the shooting range or over at Pillsbury, you are out of luck.

Kendall Worrell stated he lives closest to the shooting range. He said there is like 65-yards from his door to the property they are acquiring. He said one big concern is where they are going to put the shooting range. He said off to the west or southwest, there is a natural valley down through there and it's like a bowl at my house. He said he was concerned about noise echoing. He also mentioned security and asked is everybody going to have a key to the place. He said like Roger Seymour said, he went out there today and somebody who wasn't supposed to be there was there. He said there was a lot of that on that side of the property. He said he was sitting on his deck talking to a friend on Saturday, which was a nice day, and they could hear them carrying on a conversation. He said you need to consider security for the site.

Roger Seymour asked the Board to really think about what was said this evening. He said there are enough concerns from intelligent people that it is not the right time to approve this request. He said the County feels they have to pass this in order to get a place for the police department to shoot. He said we have already said we will extend the lease 30-60-90 days, while you table the request and get all these questions answered. He said they need to bring back a complete proposal to the Board. He said they are selling you a bill of goods without you knowing what the merchandise is. He said in fairness to his neighbors and friends that it was not fair that you are ramrodding this request by having this meeting tonight. He said you have a lot of power and the responsibility of protecting individual lives for a hundred years. He said as Manhattan, Riley County, Wabaunsee and Pottawatomie County grows, the likelihood of being able to find a

location to place the range will become slimmer and slimmer. He said this was going to have to be the place and it is going to have stay. He said let's do it right and please table this request.

Chairman Taul explained the format of the meeting and, once everyone had a chance to voice their concerns, the public hearing would be closed. He said the Board would then discuss the input provided and make a motion.

Stan Moore stated he lives south of the proposed range. He said the rock quarry has been there blasting rock and landing in his farm fields. He said when he found out about the request he thought it was short notice. He said common sense should prevail and asked who is watching out for the police department when they are doing this. He said there is a history of bull crap going on at the existing range. He asked who's policing what. He said we heard things and we know what we know from the past.

Mary Mertz stated she had a few comments she would like to make. She said we appreciate what the Riley County Police Department does. She said of course we want them to have the best shooting range in the best area where they can use their talents and skills to protect us. She said that was a given. She said Kerry O'Neal said this was the right site and I know that he has done this for many years. She said what really bothers her is that he did not talk to community members. She said he did not talk to any of the property owners surrounding that area and thought it was very disconcerting to her and others. She said another thing he mentioned was the safety of the shooting and she appreciated that.

She said the sound was very concerning and that Sunday and holiday shootings would need to be prohibited. She said there are so many weekends throughout the year, K-State events and everything else. She stated she has a guest house that she rents out and those people don't want to hear shooting. She said that was just something that wasn't even discussed; those that have family that have an investment in this area that will be affected by this. She stated she understands this was a very difficult decision but their neighbors and her family have been there for generations and we look at this land as our heritage, our estate, our gift to our children. She said if there is this shooting range in the midst of our property, it will affect all of us negatively.

James Seymour stated he had chosen to let his brother, Roger Seymour, speak for him.

Jake Mertz stated he is the managing partner of MCM Ranch LLC. He stated he owns property north and east of the proposed site. He asked if an environmental study been completed.

Chairman Taul replied to his knowledge an environmental study was not done.

Mr. Mertz stated he thought it should be done.

Dave Weyerts stated his wife and him have lived on their property in Zeandale for over forty years. He said he doesn't like how the County was handling this. He said this was the only opportunity for the public input on a 146-acre regional law enforcement training center. He said it has been presented as a done deal. He said he just heard about it last week from a neighbor. He said that apparently the County bought the land last August. He said he didn't know why there wasn't a meeting in Zeandale months ago.

Mr. Weyerts stated his initial thoughts were that the police do need a firing range and this does look like a big improvement; however, reading further, the report says this site was perfect because the County owns the land. He said there will be no increase in noise levels because

there already is a firing range in the area. He said there was never any public input or review prior to putting the firing range in, in the first place or any notification of plans before buying the land. He said this is how the County works; buy land, make plans and see how much you can get away with before the public catches on. He said this is already a proposal for not just to improve the firing range, but also a classroom, a parking lot, an emergency vehicle training track and a close-quarters combat training facility. He said we will have to assume it will continue to grow into a regional training center with safety classes for the public. He said search and rescue training and anything else can be imagined because the County has shown this is how they operate.

Mr. Weyerts stated this proposal is much bigger than just a firing range and will likely morph into something even bigger with a very definite impact on noise and traffic in Zeandale. He said the only hoop they had to jump through was the zoning change, after all, it is only 146 acres to expand on. He requested the Board table the special use request to allow more transparency and more opportunity for public suggestions.

Mr. Weyerts said that personally, he would like to see a stipulation that the lighting be dark sky shielded so they don't have big glaring lights up on the hill top. He said he also would like a requirement for more public involvement in the next stages of development, including the training track and the creek crossing. He said public involvement will only make us all more aware but it will likely make it a better plan. He said this is a benefit for the citizens of the county and the citizens need to know what is going on. He said he was not opposed to a well-trained police force. He said he doesn't know why the county needs close-quarters combat training, but knows we do need more public involvement.

Chairman Taul stated the general consensus is this was a "done deal". He said he somewhat took offense to that. He said there are five board members and we never come to a meeting with our minds made up. He said that is why there is a meeting so we can get input and we learn from that. He said he appreciated everybody's input, but the comments that this is a "done deal"; it's not a done deal in my book. Chairman Taul stated he didn't think it was for the other planning commissioners either. He said regarding the comment about needing more public input; this is the first step to give public input.

Tony Akin said they have already located the rural water lines. He said Todd Anderson from SMH Consultants called him about the water line because they would have to come onto his property to hook on. He said he asked Mr. Anderson if he wasn't getting the cart before the horse, as the meeting wasn't until April 13th. He said Mr. Anderson's response was he thought it was a done deal.

Chairman Taul replied it wasn't a done deal for the Planning Board.

Mason Miller stated he owns the land closest to the proposed site to the east. He said the targets are roughly 300 feet from his property. He asked if he decided to put up targets that close, would the Board approve it. He said his whole property is in the danger zone and asked is that one hundred percent safe for somebody to be out there.

Mr. Miller asked if any other counties, 4-H and gun clubs will use the firing range in the future and how would they be able to stop it. He said Kerry with TRS said that the land was disturbed and his is not. He stated he has a renter who puts up hay. He said if there are bullets and

fragments, he may no longer want to rent it. He asked what would his land be worth then and who would want to buy it.

Christine Miller stated her concerns were safety. She said they have a pond where they take their grandkids to fish and they like to ride horses. She asked if the Board can guarantee the safety of all those children.

Wendy, daughter of the Miller's, stated this land would be her inheritance someday. She said she will want to build a cabin and will not be able to do that.

Kerry O'Neal stated he heard everyone's comments and this was not uncommon. He said when they design a range they take the site into consideration to make them as safe as possible. He said the range itself was designed to contain all the rounds that are fired into it. He said there is always an exception in anywhere you go. He said the County and the police department are responsible for every round that is fired on that range. He said there is ownership of every round that is fired.

Mr. O'Neal said there were fragmentation, lead and polluting concerns. He said by having the bullet trap, its intent is to trap the bullets themselves. He said there is a minimum recommendation of 100,000 rounds per lane on each of the ranges. He stated if you have ten lanes that would be 1,000,000 rounds fired before a recommended mining should be done. He said companies right now are paying the counties and cities to do the mining to get the lead values.

Mr. O'Neal stated their intent was to design the safest range possible on the proposed site for Riley County. He said TRS stands behind their products and design. He said he has never been brought into any kind of litigation or questioning of rounds ever leaving the ranges they have designed. He said it was true that if you do not take these mitigating steps, rounds will leave the range. He said fragments are frequently found as far as 100 yards outside the range property. He said the difference was the proposed range has a bullet trap, ballistic walls and does have a berm that can be increased in height. He said the intent here was not to cause fear for any of the neighbors but to help with addressing the training needs for the police department.

Dennis Butler stated one of the questions asked was why the need for close combat training or tactical firearms training. He explained that throughout his experience as a police officer the stereotype of standing still on a firing line and shooting at a stationary target was unrealistic training. He said it does not prepare officers well for real life scenarios where suspects are moving; where they are moving looking for cover. He said there is one side of the firing line that will be set up to use scenarios with vehicles and movable barriers to try to recreate situations an officer might face on the street.

Mr. Butler said there were some concerns about people being at the range after hours and who will be watching the facility. He stated he believes there will be a gate that will block the entrance, video surveillance and an alarm system on the building which could be expanded later.

He said this was the first time he had been aware that the flag was not being put up when the firing range was in use. He stated the training lieutenant was present at the meeting and knows how he feels about things like that. Mr. Butler stated he guarantees the flag will be put up every time police department personnel are on the range, no matter what the reason is. He said to his knowledge, they will not be allowing others to use the range to help offset cost.

Mr. Butler said regarding concerns as to who will have a key, right now, the firearms instructors and the range master are the only ones that have key. He said officers just can't decide on their own to use the range when they want to. He said a firearms instructor or the range master has to be present to supervise any discharge of firearms for safety reasons.

Mr. Butler stated he couldn't give a one hundred percent guarantee that a round wouldn't leave the range and end up on the Miller property. He said in the forty years he has been a police officer and the ranges he has been around, that has never happened. He said he has seen two police officers get accidentally shot on the range by another police officer because of poor safety techniques, not stray bullets. He also said there is a notification system that the property owners can sign up for that will notify them either by phone, email, or text when the range will be in use.

Bob Mertz asked if there is a master plan for the facility.

Mr. Butler replied the County had not developed a master plan for the property but has identified potential uses for the police department in the future. One of those being an emergency vehicle operators course that teaches defensive driving to police officers.

Mr. Mertz said that at the January 3rd meeting, as reported in a KMAN article, it was mentioned both the site plan and master plan would be brought forward to the planning commission. He said the master plan in the same article had explosives disposal, but the current plan does not. He said from our perspective, it looks like this plan is being piece fed and once approved there will be no oversight.

Monty Wedel replied what you see on the site plan and accompanying reports is the master plan. He said the ordinance disposal was removed from the plan. He said the emergency vehicle operators course is a long term vision but not an immediate need. He said the immediate need is the firing range.

Mr. Wedel stated county staff and the police department have been working on trying to get a new firing range site for at least the last seven years. He said multiple sites were looked at, such as property south of the transfer station, Fort Riley and all properties owned by the County. He explained the further away from population makes for a better site and this is by far the best site because it is close to the existing range.

Mr. Wedel said a noise study was completed with Perry Piper, Environmental Health Specialist for Riley County, using a noise meter. He said they had the police fire shots on the current range and the proposed range and made measurements at the entrance to Kendall Worrel's driveway and the entrance to the proposed site. He reported there was no appreciable difference and observed a lot more noise from trucks driving by on Tabor Valley Road.

Mr. Wedel said another interesting fact was it has been mentioned the range will be located on a hill top. He said it only appears to be on top of hill, but is pretty much the same elevation as the current range.

Mr. Wedel said there has been a lot of push to table the request. He said you may not be fully aware that the Commission has been working on this for a long time and all the efforts that have been made to find a site. He explained, like with any other applicant, we want to keep the item moving for applicants and the County Commission is no different. He said time is of the essence in most of the cases and even during a pandemic, the government still has to function. He

suggested the Planning Board move the request on to the Commission and let them decide if they want to table it. He said modifications could be recommended.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 5-0.

Nathan Larson said there are unanswered questions about the easement; will the easement be shut off when the range is in operation or give them another easement with safe passage around it? He said before he could make a decision one way or the other, this needs to be answered. Mr. Larson stated he didn't think it would be unreasonable to table the request for 30 days to allow time for the easement issue to be resolved.

Joe Gelroth stated he agreed. He said there have been enough concerns from the public attending the meeting. He said there are some issues that still need resolution, particularly the easement.

Diane Hoobler said she visited the proposed site the past Friday. She said it does appear to be on a hill top and is nothing like the existing range that is down in a valley. She suggested each Board member visit the site. Mrs. Hoobler stated she thought it should be tabled for that reason.

Mrs. Hoobler said she understood there was a time table and the Commission had been working on it for a long time but felt like this board was being rushed. She said this was lot of money and as a taxpayer, she was tired of her taxes going up all the time. She said due to the amount of concerns presented, she also recommended to table the request.

John Wienck made a motion to table the request for sixty days.

Chairman Taul stated the Board's responsibility was to look at the land, the land use and some concerns were brought up about economics. He said Diane Hoobler brought up she was a taxpayer and that wasn't their job, however, he shares the same thoughts. He said if the Board does table the request, there needs to be some sort of direction of what the Board wants addressed.

Chairman Taul stated he couldn't support the request until the easement for the Mertz's had been resolved. He said acquiring an easement for the proposed rural water line was also brought up. He said that needs to be resolved so we know there will be water available to the site. He said another issue, will the facility be used before construction is complete. He said there needs to be something put in place as to when they can start using the facility.

Leon Hobson, Director of Public Works stated the facility would not be used until completed and signed off.

Chairman Taul brought up the master plan and possibly scale back the special use just for the firing range. He recommended that at a later time, when these other activities come to fruition, the special use could be expanded. He said to approve the special use for the entire 146 acres, not knowing exactly what was going to happen on the remaining acreage, was poor planning on their behalf.

Monty Wedel stated that whatever was shown on the site plan was what will be built. He said the emergency vehicle operators course could be removed since there was not enough detail about it.

Chairman Taul said it was kind of open ended and you never know what is going to happen in twenty, thirty years. He said he thinks they need to keep control of it like a planned unit development.

Monty Wedel said the site plan will control what would be allowed.

Chairman Taul asked Board member John Wienck to make sure in the motion to table to include direction on what needs to be addressed.

Monty Wedel replied that was what we would do for any applicant and the Board should be very specific on the reasons. He said normally we table a request for 30 days maximum because of guidelines in statutes. He said we will get those answers for the travel and water easements.

John Wienck said nothing had even been mentioned about the type of wastewater disposal system and that needs to be addressed.

Diane Hoobler asked if the walls in between the firing range could be taller than 10 feet.

Kerry O'Neal replied they could be as high as 20 feet.

Mrs. Hoobler asked if that would help from ricocheting.

Mr. O'Neal replied the FBI typically does 10 feet with a back berm of 20 feet. He said the FBI has two branches nationwide, they shoot on 300 other municipality ranges and are setting standards on law enforcement criteria associated with ranges. He said higher is always better. He said increasing the wall height protects the other people on the range if someone were to accidently turn 90 degrees or another angle except down range when firing their gun. He said a large portion of this was based on training and supervision on site.

He said regarding close quarter combat ranges, we design and build them. He said it is a building that contains all the rounds. He said scenarios are set up such as columns, offices or a school, whatever maybe needed. He said the walls within in the building move to allow for the scenarios. He said this allows training at a close distance which is called close quarter combat training which has become very popular and very essential in future training. He said most officers in the past never did active or what we say...combat style range training. He said it means we are able to move forward with the target or retrieve from the target.

John Wienck agreed with the other board members that the easements need to be resolved.

Monty Wedel said he had the following issues that need to be addressed for the next meeting.

- Travel easement
- Water easement
- Wastewater disposal system

Joe Gelroth said the other concern he heard was will this facility only be used by Riley County.

Lieutenant Jager responded the intention was not to open it up to anybody at this point and time. Riley County will own the facility and the police department only intends to use it for their use.

Monty Wedel said the current site has two versions of a planned unit development and both plan contained a condition that the range had to be operated and controlled by the Riley County Police Department. He said that didn't mean somebody else couldn't come out and train with them, but

that RCPD would have to be there controlling it. He said he would visit with the police department about putting this in the special use.

Leon Hobson wanted clarification from the Board as to what they wanted on the water easement.

Chairman Taul said to get the Wabaunsee rural water line to the site, it would have to go through private property and an easement needs to be in place.

Monty Wedel asked Mr. Hobson if there was already an easement or permission to put in the water line.

Mr. Hobson stated they are in the process of getting the water line designed. He said typically, once it was designed then we will have an idea of where we want to place the line. He said at that time, they will approach the land owner about the easement. He said the design and location have to be done before they can visit with the land owner.

Chairman Taul said if you don't obtain an easement from the property owner, you won't get water.

Diane Hoobler said these are things we need to know before we can make a decision.

Mr. Hobson said they will do their best to get more done before the next meeting.

John Wienck moved to table the request for the Special Use for the establishment, construction and operation of a training facility for the Riley County Police Department in Zone "D-3" (Heavy Industrial) to May 11, 2020 meeting, to allow staff time to obtain information regarding the following concerns:

- Travel easement
- Water easement
- Wastewater disposal system
- More details regarding lighting on the range

Diane Hoobler seconded. Carried 5-0.

Joe Gelroth moved to adjourn. Nathan Larson seconded. Carried 5-0.

The meeting was adjourned at 10:39 P.M.