



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting - February 18, 2025

PLANNING COMMISSION MEETING - 6:30 PM - The February 18, 2025, meeting was postponed due to a snow storm and rescheduled for February 25, 2025. The meeting was called to order at 6:39 p.m.

CALL TO ORDER - ROLL CALL - Larry Clark and Sherri Neff were present via Teams video call. Jason Cruse arrived late. Lloyd Mesmer was absent.

CONSENT AGENDA -

Approval of minutes from the January 21, 2025 meeting - Paul Zeps motioned, Nick Perica seconded, to approve the minutes of the January 21, 2025 Planning Commission Meeting Minutes.

The motion passed unanimously 6-0

OLD BUSINESS - None

NEW BUSINESS -

FP-01-25 - Replat of 1715 and 1725 S. 138th Street - Paul Zeps motioned, Nick Perica seconded, to approve the request to replat FP-01-25 of 1715 and 1725 S 138th Street.

The motion passed unanimously 6-0

PUBLIC HEARING - Special Use Permit – SUP-01-25 – 1800 S. 121st Street – APAC – Kansas, Inc. - Bonner Springs Quarry - Nick Perica motioned Vincent Bombardier seconded to open the Public Hearing for SUP-01-25 Special Use Permit for APAC Quarry 1800 S 121st Street at 6:48 p.m. Commissioner Paul Zeps recused himself.

Paul Zeps 533 MacGrantwood, stated he was in favor of reissuing the permit for the gravel company but not for the aerial operations occurring on the property. He had a night video and stated that a CH47 Heavy lift helicopter's flashing lights are seen in the video. He also wanted to play a PowerPoint but was unable to view it. He spoke about adding 2 stipulations to the special use permit. 1. They are required to give 48-hour notice for any rail operations that will block K32. It needs to be posted openly on a website for everyone to see. 2. To not have any airfield, air drone, heliport, aerial training, airborne training, helicopter training, sling load training and any other aerial operations be prohibited from operating on this property.

These are scheduled, approved and recurring operations. The Special Use permit covers mining. Not aerial operations, subleasing any of the property for flight operations, or an airport. Recommended consequences for violations. First violation suspends permit for 7 days. Second violation permit gone.

Paul Barrett, 309 Oak Street, serves on the Chamber of Commerce Board. Apac is owned by CRH and Holiday Sand and Stone. They are a Chamber member and largest financial sponsor of Tiblow Days. They support multiple fundraisers and are good partners with the community and other businesses. I would recommend the renewal of the special use permit with consideration to what Paul Zeps said.

Greg Gebauer asked if anyone would like to speak against this issue.

Julia Parker 12520 Kansas Ave, stated she previously sent documentation to the City of Bonner Springs documenting damage to my home. They purchased their home in December 2018. "We had a home inspection that did not note any significant foundation issues or structural issues with the house. In early 2019, we started experiencing larger blasting at our home, contributing to damage at our home. Doors no longer close, the staircase is twisting". They contacted two separate foundation repair companies as well as structural engineers with APACs structural engineers. "We found out that we have significant damage to our home". The quarry told them that they were in legal rights with the blasting and placed a seismograph in their yard. Their home was built in 1909 and about the same time as the quarry and has lasted over 100 years structurally sound. "In the course of 4 years, we have invested over \$43,000 to put over 25 piers surrounding our property to support the foundation deficits". This is above and beyond normal wear and tear of our property. They tried to deal with Apac directly but were told it wasn't possible that the blasting was causing the damage because they are in the legal limits of blasting. "I have been at my home when they did the blasting, and it shakes my entire home. This may have been appropriate in the past, but whatever type of blasting they are doing is causing significant damage. Secondly, helicopter flights need to stop. They are flying directly over our house and directly over the tree line, and it's usually at

night."

Mark Hopkins 12348 Kansas Ave, on the hill. It's a new house built in 2018-2019 and has a lot of concrete. "This is the most cracks in concrete and all his flatwork. No phone calls or emails about when the blasting will be. The blasting shakes your entire house. You know it's a problem, and you already have problems. Why would you approve this? Who is responsible for the damage if you approve this knowing the damage it's causing?"

Josh Pittman 12300 Kansas Ave, broke ground on his home in 2018 and in the framing phase it was like an earthquake. "My wife, who is a nurse, works at night, and it shakes the house and wakes her up. Pictures fall off the wall. My front patio and back patio have cracks. The retaining wall is pulling away from the house. The dust is constantly everywhere. Can there be an air quality test done?"

Cindy George 12348 Kansas Ave, New house with an Inground pool. "The surrounding concrete is cracked. Set the alarm off on my Jeep sitting in the driveway. Picture falling off the walls. The blasts are big. We met with the quarry, and they put a seismograph on our property. I've never seen any of the results."

Mark Blesma 540 S 122nd St, He can see into the quarry from his back deck. "He was notified by one of his neighbors. Which is concerning since I live so close. I mirror the concerns of the other neighbors. We built a new house in September 2024, and I have concerns over this. Heavy equipment moving as early as 5:30 - 6 a.m. I have power washed my house multiple times. We have a well, and I am concerned about water quality. The document is for the well-being of the community and I would not be in favor of that. I oppose the extension and renewal of the special use permit."

Kevin Strathman 12430 Kansas Ave, "Had to pier the foundation of my house in the last 4 years, twice. The house was built in 1984 and no issues until now. I spent \$30,000 on Piers. They are going to say this isn't their issue but you can't say that when we all have the same issues. It is a dust bowl. I don't know how in good consciousness you can approve the blasting. I would vote no on the blasting."

Apac presented information regarding their operation as well as information from their seismographs.

Dan Jones, Environmental Permit Manager for Apac, He introduced people here to speak for the company. Kevin Fouts President, Kyle Gurstang Vice President Operations Manager, Dennis Heaton Quarry Supervisor, Bobbie Hipenbacker 3rd Party Blasting vibration company, John Olson with Buckley which are doing the blasting for us.

He addressed the trains from Buzzi Cement. "We are not the owners of the property. Waste Management owns the property. We own the mineral rights, the right to mine there. We have no control over the scheduling of trains and have no knowledge of how Waste Management and Buzzi cement operate together or any of their arrangements. Next, the helicopter situation. Again, we only own the mineral rights. We do not have any type of contract with the Army or the Army Reserves. If there is a contract, it would be with Waste Management. We do not schedule any trips. They will call us and ask if we will be putting off a shot. That is the only contact we have had. We have seen them in the evening. We are currently in negotiations with Waste Management to purchase the property. We expect to have that completed by the end of the year. That being said, we would be happy to work with Buzzi on the train scheduling. We become the owners of the property we have no problem telling the army that we can't practice helicopter operations at all. We do use drones to measure our stockpiles. We have licensed pilots for the drones. We would ask that we still be able to use our drone quality control to measure stockpiles. The dust has been brought up by several neighbors. We are regulated by 3 different entities: Kansas Department of Health and Environment, Wyandotte County, and AMSHA - Mine Safety Health Association. We get inspected by Kansas and Wyandotte County yearly, and they do dust testing. AMSHA when they come out 4 times a year, they inspect us for dust emissions and measure that. There are limitations and we are allowed to have some dust come off your property. We also do internal testing when we change the blasting. We do our own testing to ensure the dust, noise and multiple other things, are in compliance to ensuring the safety and health of our employees and the surrounding community."

Mark Lee asked him to elaborate on the trains. "You don't work with Buzzi and you don't use the trains?" Dan said, "Correct", we do not have anything to do with the train operations. Our materials are strictly by truck.

Bobbie Hipenbacker - Fibrotech Engineers - Seismograph Presentation. "Fibrotech has been in business for 76 years. We are an independent third party and we are vibration consultants. All the seismograph equipment is calibrated yearly.

Quarry personnel do not have access to the equipment or the data from the seismographs out in the field. During the timeframe between January 1, 2024 and February 10, 2025 we had 95 blasts. For those 95 blasts there were 95 triggers at one or more seismographs. There are 5 seismographs surrounding all the blasting in the quarry. There are 2 measurements to monitor vibrations. One is particle velocity, and we are looking for the peak particle velocity during that blast. The seismograph measures the speed of the particle as the energy is passing through the ground. As we measure that, we look at the peak speed of that particle from the time it moves away from its original resting place to when it comes back to its original resting place. The second measure that we look at is frequency and that is the number of complete cycles that a particle cycles in one second. A frequency is a cycle of motion. The seismograph picks that up along with the speed of that cycle of motion. Those two factors together are what we look at as to what could cause structural damage from blasting."

Nick Perica asked, Did they change the level or amount or method of blasts? Do they vary?

John Olson with Buckley said, "Yes, they do vary."

Dan Jones - Apac said they used to do quarterly meetings with the neighbors but have not done so recently. Would be happy to start those again.

Mark Lee asked Dan if they were done blasting on the northern end of property?

Kyle Gurstang said they will be finishing up blasting in the north by end of the year and just doing clean-up. Will be moving more east towards Camp Nalsh. The seismographs have to move with the blasting.

Paul Zeps then asked Dan Jones to please ask the owners of the property what the agreement is with the Army and the helicopters. He also asked that they not fly their drones over his property.

Greg Gebauer asked if third party monitoring is a state statute? Dan said no, most quarries have their own testing but APAC uses 3rd party monitoring.

Kevin Strathman 12430 Kansas Ave, asked that the city come to a residence house when they are blasting and see what happens.

Julia Parker 12520 Kansas Ave spoke again as well that if this is going to push north, it would be right across the street from our house.

Paul Barrett 309 Oak St asked, if the Waste Management owns it now and the sale doesn't go through, will it become a dump?

Mark Hopkins 12348 Kansas Ave said, they are blasting too much.

Jason Cruse stated that the Planning Commission is there to vote on the Special use permit and it is a permitted use in that area. We do understand the ramifications.

Mark Lee stated there are 18 stipulations to this Special Use Permit.

Josh Pittman 12300 Kansas Ave asked if an air quality stipulation could be added.

Vincent Bombardier asked if they water down the site before they blast or during a blast to help with dust? Dan Jones answered no.

Larry Clark motioned, Jason Cruse seconded, to approve the Special Use Permit SP-01-25 for Apac Quarry

The vote passed unanimously with 6-0 vote. With Nick Perica voting yes with reservations.

OPEN AGENDA - None

COMMUNITY DEVELOPMENT DIRECTORS REPORT - Country Stampede may be coming forward in March for their Special Use Permit, but we currently have no agenda items but would like to have a work session.

ADJOURNMENT - 8:50 p.m.