

Rural Water District No. 7, Johnson County, Kansas

Regular Board Meeting Minutes
April 9, 2019

Directors present: Bill Gay, Larry Donham, Frank Denning, Brian Andrew, Charlie Brovont, Bill Locke, and Mike Ward. Others present; Allan Soetaert, Donna Chrisjohn, Todd Luckman, and Chester Bender. Directors Shaun Henderson and Ken Nellor were absent.

Chairman Bill Gay called the meeting to order at 5:30 PM.

Chairman Gay requested that the Board of Directors consider the consent agenda items. Director Andrew moved to approve the consent items noted on Agenda item #2. Director Donham seconded the motion. Motion passed unanimously.

Agenda item #3 was consideration of a request to clarify ownership and transfer location of BU #1262 by Guetterman Brothers Family Farms (GBFF). The District Manager reviewed with the BOD that Benefit Unit (#1262) was assigned to a tract of ground that was sold by GBFF, to Englemann Farms in 2012; however, neither party notified JO7 of the change of ownership. Mr. Soetaert further explained that JO7 By-Laws state that the Benefit Unit shall follow the title of the property; however, in this case, both property owners are desirous of allowing the former owner (GBFF) to retain ownership of the BU #1262 and assign it to a tract owned by GBFF. Mr. Soetaert reviewed the Petition, signed by both GBFF and Englemann Farms representatives, requesting the ownership correction. Also noted was that JO7's legal counsel had drafted the Petition for both parties to sign. After discussion, Director Ward moved to approve the transfer of location for BU #1262 in accordance with Article 6, Section 4, of the District's By-Laws; pursuant to provisions set forth in the agenda. Director Donham seconded the motion. Motion passed unanimously.

Agenda item #4 was the consideration approving a Revised Engineering Agreement with PY for the Rural Development Project. Mr. Soetaert noted that Rural Development must approve the Engineering Agreement before any portion of the funded project is allowed for construction. Chester Bender, representing Ponzer-Youngquist, noted that the current services agreement is lacking reference to the project complying with the American Iron & Steel Act, which was implemented after the initial agreement was reached. Mr. Bender further explained that due to additional reporting and monitoring, by the design engineering team, the design services cost was proposed to increase an additional \$8,000. After some discussion, Director Andrew moved to authorize the JO7 Chairman to sign the Amended Engineering Services Agreement with PY. Director Ward seconded the motion. Motion passed unanimously.

Agenda item #5 was the Professional Services Agreement with GBA Engineering. Mr. Soetaert noted that GBA Engineering was selected through the RFQ process to perform the Elevated Water Storage Tank and Booster Pump Station work for the KPWSLF Project that JO7 is considering for the northern tier of the service area. Pursuant to additional discussion by the BOD regarding future wholesale suppliers for JO7, GBA was requested to expand their effort to review this work as well. Mr. Soetaert noted that this agreement was for that work associated with the Wholesale Supply review. After further discussion, Director Donham moved to authorize the Chairman to enter into the agreement with GBA after final negotiations and revisions by JO7 Counsel and Management have been made. Director Denning seconded the motion. Motion passed unanimously.

Agenda item #6 was the KDOT Project at 199th Street & I-35 and the consideration of the bridge replacement and its impact to JO7's water mains in the area. Mr. Soetaert noted that KDOT is considering the realignment of the 199th St Bridge over I-35 and has sent their drawings to JO7 for

review and consideration. He mentioned that the JO7 BOD reviewed an initial report of this work by Ponzer-Youngquist, in May of 2018. He also noted that due to time constraints, Midwest Engineering (MWE) had been selected to perform the water main relocation design for JO7. It was noted that MWE Professional Services Agreement was within the agenda packet for consideration.

Mr. Soetaert then reviewed the potential to upsize some of the existing water mains within the KDOT Project area, specifically those that were 6" in size. After further review of the project and some discussion, Director Andrew moved to approve the Professional Services Agreement with Midwest Engineering. Director Donham seconded the motion. Motion passed unanimously. Director Andrew then moved to authorize the upsizing of the existing smaller mains, at a cost not exceeding \$80,000. Director Donham seconded the motion. Motion passed unanimously.

Agenda item #7 was the Engineering Report generated by PY for an additional phase to Sweetwater Creek subdivision. After review and discussion, Director Donham moved to accept the report as presented. Director Denning seconded the motion. Motion passed unanimously.

Mr. Soetaert presented a draft copy of the Gardner-JO7 Interconnection Study recently provided by the civil engineering firm Lamp Rynearson. The report was briefly reviewed with some of the highlights noted by Mr. Soetaert. No action was taken by the BOD.

Mr. Soetaert and Mr. Bender then provided additional reports and updates on the following: the 215th Street Tank Reconditioning; 207th St. WME from Gardner Road to Homestead Road; KDOT WMR Project at 199th & Sunflower Road; Tontzville Rd. WMR; Rowan Rd. WME North of 92nd St.; Easement acquisition on Rural Development project; 236th St. West of Hedge Lane Road; LPKC IP 51; Cedar Ridge Ranch Subdivision; Sweetwater Creek Phase III; Hidden Prairie Subdivision; Summerhill Acres Phase II; Arcadian Estates; Defers Farms; Blackhawk Apartments; the City of Olathe Wholesale Purchase Agreement; DG4; M12 WTP upgrade; WaterOne; City of Gardner; and City of De Soto.

Agenda item #8 was legal review of board documents and policies that are currently in place and the option of revisions that may be made in the future. Todd Luckman, of Stumbo-Hanson, LLP, reviewed the "Statement of Substantial Interests for Local Office" form that that each board member was requested to complete and file with the Water District. Also reviewed was a Multi-Use situation within the Water District that the BOD had been apprised of by Management. The BOD requested that Mr. Luckman prepare a policy statement for consideration.

The BOD also discussed the easement acquisition progress for the Rural Development Project. Mr. Soetaert provided a brief review of those easements that have not been conveyed. Options in acquiring those easement conveyances were further discussed by the BOD including alternating the routing of the water main, using County ROW, or eminent domain. After a lengthy discussion, Director Denning moved that JO7 Counsel prepare the appropriate resolution, for review by the BOD, that would allow consideration of the use of eminent domain. Director Locke seconded the motion. After discussion, the motion passed unanimously.

There being no further business of the BOD, Director Andrew moved to adjourn the meeting. Director Ward seconded the motion. Motion passed unanimously.

Respectfully submitted,



Brian Andrew, Secretary