

Rural Water District No. 7, Johnson County, Kansas

Regular Board Meeting Minutes  
September 12, 2023

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Directors present: Frank Denning, Gary Duggan, Bill Locke, Dennis Carlson, Shaun Henderson, Mary Nelson, Shawn Hughes, and Brian Andrew. Director Brovont arrived at 5:48pm. Others present: Allan Soetaert, Colin Stalter, Todd Luckman, and Mindy Krouch. Others present via Zoom: Brian Hess and Chester Bender.

Chairman Frank Denning called the meeting to order at 5:30 PM.

**1. Consent Agenda Items**

Chairman Denning requested that the Board of Directors consider the Consent Agenda items. Director Duggan moved to approve the consent items noted on the agenda. Director Locke seconded the motion. Motion passed unanimously.

**2. Revised Edgerton Crossing Water Main Extension Agreement**

Allan Soetaert, District Manager, reviewed that the Edgerton Crossing Development Project is located north of the HWY I-35 and Homestead Lane interchange. Mr. Soetaert provided a summary of the development, including its phasing, as well as an offsite improvement necessary for fire suppression and domestic service for Phase II of the Development. He also briefed the BOD on the offsite development being the HWY I-35 crossing that would connect to an existing 12-inch main on 207<sup>th</sup> Street, south of the interchange. Mr. Soetaert noted that the updated WME agreement includes stipulations and responsibilities for Phase 2 Onsite and Phase 3 Offsite developments. Colin Stalter, District Engineer, reviewed the system benefits from these proposed improvements, such as a redundant I-35 crossing, enhanced transmission to refill the LPKC tower, etc. It was noted that District staff and legal counsel have reviewed and consented to the agreement. After discussion, Director Henderson moved to accept the agreement; further authorizing the Chairman & Secretary to execute. Director Nelson seconded the motion. After a brief discussion, the motion passed unanimously.

**3. Consider Resolution #2023-09-01**

Mr. Stalter explained that as part of the De Soto Road Improvement projects District infrastructure will be impacted and will require relocation. GBA is providing the engineering services and has produced 95% design drawings which have been reviewed by KDOT, Clarkson and District staff. These design documents are being finalized and will require acquisition of new easements. KDOT is under a tight timeline to complete this project. Due to this and the fact that it can be a lengthy process, staff has prepared a resolution to allow for the District to proceed with eminent domain proceedings for four properties should agreements with property owners not be reached. Director Andrew moved to adopt Resolution #2023-09-01; further authorizing Management to work with legal counsel and engineering/appraisal consultants to secure the necessary conveyances. Director Locke seconded the motion. Motion passed unanimously.

**4. Notification of SRF Project #3162 & 3163**

Mr. Soetaert reminded the BOD that District staff submitted 2 applications to the Kansas Public Water Supply Loan Fund in 2022, which is administrated by KDHE. W7 was notified by KDHE in July that these projects (Projects #3162 & #3163) did not meet the initial Intended Use Plan for funding; however, a subsequent notice from KDHE noted that these projects are now eligible for SRF funds. Mr. Soetaert recommended to the BOD that they move forward with SRF #3163, at this time, which is a water main relocation project along Columbia Road. After some discussion, Director Andrew moved to authorize Management to continue with the application process for SRF Project #3163; further authorizing the Chairman and Secretary of the Board to execute the appropriate documents, if required. Director Nelson seconded the motion. Motion passed unanimously.

## **5. Reports/Updates**

### **5a. PER Karr – Lewis Drive and 231st Street Service Request (PY)**

Chester Bender (PY) presented a Preliminary Engineering Report (PER) to the Board in regard to an 80-acre tract located at the NE corner of 231<sup>st</sup> Street and Lewis Drive. Mr. Bender reported that the current owners are looking into subdividing their 80-acre tract into an additional 1 or 2 services along Lewis Drive. This area is currently served by a 2-inch dead end main that is connected to a 20-inch transmission main of the District's. Mr. Bender further reviewed the report with the BOD reporting on the considerations of adding additional users to the small diameter main on 231<sup>st</sup> Street. Mr. Bender discussed options for improving the system to accommodate the new users, as well as reviewing his recommendations. After discussion, Director Locke moved to accept the report as presented. Director Andrew seconded the motion. Motion passed unanimously.

### **5b. PER Klaton – 151st Street and Moonlight Road Service Request (PY)**

Chester Bender (PY) presented another PER to the Board regarding an 80-acre tract located at the NE corner of 151st Street and Moonlight Rd. Mr. Bender reported that the owners of this tract are proposing it be subdivided into 8 parcels. Mr. Bender reviewed the current system profiles in the area, as well as fire flow suppression rates. Mr. Bender also reviewed his recommendation for service to this proposed plat. After discussion, Director Andrew moved to accept the report as presented. Director Henderson seconded the motion. Motion passed unanimously.

### **5c. PER Hayden – 143rd Street and Edgerton Road Service Request**

Mr. Stalter presented a PER to the Board regarding a request by a District patron and the proposed property split they are contemplating, located at the southeast corner of 143<sup>rd</sup> Street and Edgerton Road. He reported that the ownership is proposing splitting the current tract into a total of 3 tracts, creating an additional two users on the existing water main. Mr. Stalter reported that the current water main is an existing 2-inch line that dead-ends approximately 1600 feet south of 143<sup>rd</sup> Street. Mr. Stalter said that this 2-inch water main serving this property was previously identified as low capacity. Mr. Stalter reviewed the additional details of the PER with the BOD.

### **5e. Chairman's Report**

Chairman Denning then requested the BOD consider deviating from the agenda, as the District's legal counsel was obligated to another meeting and would soon be leaving.

Director Nelson then moved that the Board recess 15 minutes into Executive Session for consultation with its attorney, deemed privileged in the Attorney-Client relationship, to include the Water District's appointed Attorney, pursuant to K.S.A. 75-4319 (b) (2); further that the District Manager and District Engineer be included in the session. Director Andrew seconded the motion. Motion passed unanimously. Time noted was 6:45 PM. The meeting then reconvened at 7:00 PM upon which Chairman Denning announced that no decisions, action, or votes were taken during the executive session.

Director Nelson then moved that the Board recess 10 minutes into Executive Session for preliminary discussion on the purchase of property; further, that the District's Manager and Engineer be included in that meeting. Directors Andrew seconded the motion. Motion passed unanimously. Time noted was 7:02 PM. The meeting then reconvened at 7:12 PM upon which Chairman Denning announced that no decisions, action, or votes were taken during the executive session.

Director Nelson then moved that the Board recess 10 minutes into Executive Session for preliminary discussion on the purchase of property; further, that the District's Manager and Engineer be included in that meeting. Directors Locke seconded the motion. Motion passed unanimously. Time noted was 7:14 PM. The meeting then reconvened at 7:24 PM upon which Chairman Denning announced that no decisions, action, or votes were taken during the executive session.

Director Carlson then moved that the District Manager, and District Chairman, be authorized to pursue the acquisition of land, including the ability to enter into negotiations with appropriate parties, for such purchase. Director Brovont seconded the motion. After brief discussion, the motion passed unanimously.

**5c. PER Hayden – 143rd Street and Edgerton Road Service Request**

Chairman Denning requested that the BOD revert back to Agenda Item 5c for its consideration. After some discussion, Director Nelson moved to accept the report as presented. Director Locke seconded the motion. Motion passed unanimously.

**5d. Monthly Report by Consultants & Staff**

Brian Hess, GBA, provided reports and updates on the following projects:

- 103<sup>rd</sup> Street Project WMR that is being funded by KDOT;
- 135<sup>th</sup> Street Booster Pump Station; and
- TimberRidge Elevated Storage Tank

Chester Bender, PY, provided a report and updates on the Gardner Road, North of 199<sup>th</sup> Street, to 191<sup>st</sup> Street & Cedar Niles Road project.

Mr. Stalter provided a more detailed report on the other ongoing construction and development projects within the District as noted in the written Staff report in the agenda packet. Mr. Stalter also noted that draft copies of the District's Master Plan was available for each board member to take with them. He noted that it was the intent to provide a full presentation at next month's meeting.

**5e. Chairman's Report (continued)**

Chairman Denning reported a few items by first noting that he would be establishing a "Nominations Committee" consisting of two board members and himself. Director Duggan and Director Brovont agreed to participate in the committee. He also requested board members to contact him regarding their willingness to serve on a committee addressing the annual review and evaluation of the District Manager. Chairman Denning noted that the committees would only be providing recommendations to the full Board for consideration and action. Finally, he reminded members of the upcoming Board Appreciation Dinner.

Mr. Soetaert apologized for the incomplete financial reports in the agenda packet, noting that there were some outstanding invoices that prevented the District staff from completing this task. He noted that the financial statements would be forthcoming. Mr. Soetaert also reported on the staffing progress with the District as well as a forthcoming notice from KDHE requiring a "single audit" of one of the District SRF Loan Funds.

**69. Adjournment**

There being no further business, Chairman Denning requested a motion to adjourn the meeting. Director Andrew moved such. Director Nelson seconded the motion. Motion passed unanimously.

Time noted was 7:49 PM.

Respectfully submitted,



Brian Andrew, Secretary