

Rural Water District No. 7, Johnson County, Kansas

Regular Board Meeting Minutes  
March 12, 2024

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Directors present: Frank Denning, Mary Nelson, Gary Duggan, Bill Locke, Dennis Carlson, Charlie Brovont, Shaun Henderson and Brian Andrew. Directors absent: Shawn Hughes. Others present: Allan Soetaert, Colin Stalter, Todd Luckman, Brian Hess, James Oltman, Ken McCarty and Mindy Krouch.

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 Andrew moved to approve the consent items noted on the agenda. Director Nelson seconded the motion. Motion passed unanimously.

**2. ElevateEdgerton! Membership Update**

James Oltman, President of ElevateEdgerton!, began by thanking the BOD for their continued support. Mr. Oltman then provided a brief overview of some of the economic developments in Edgerton in 2023. Mr. Oltman discussed the continued expansion of LPKC, the new JCCC CDL Training Center under construction at 191<sup>st</sup> and Montrose as well as the housing projects and Community Greenspace planned for Edgerton. Next, Mr. Oltman discussed the upcoming 2024 economic projects in Edgerton. Mr. Oltman reviewed Elevate Edgerton! membership and fielded some questions. Mr. Oltman exited the meeting at 6:02pm. Chairman Denning requested that the District's Manager prepare some historical information for the board members consideration at an upcoming meeting. No further action was taken.

**3. Evergy (Dillie Road Generating Station), PER by GBA**

Allan Soetaert, District Manager reviewed a Preliminary Engineering Report (PER) that was provided to the BOD on a proposed project by Evergy for its West Gardner Substation that is located on Dillie Road, north of 191<sup>st</sup> Street. Colin Stalter, District Engineer, provided some additional details noting that Evergy's request had been modified, thus some additional work was required for the PER. Brian Hess (GBA) reviewed the additional findings of their work for the project and the system improvements required to provide certain demand scenarios. Mr. Stalter also mentioned that GBA will also be aiding the District in determining an applicable BU cost for the recommended 3" service considered by Evergy at this location. Allan Soetaert, District Manager, then added that staff have a few small revisions to make to the report but will release the PER, once complete, to Evergy. After discussion, Director Nelson moved to accept the PER after staff revisions. Director Locke seconded the motion. Motion passed unanimously.

**4. Consider Audit Engagement Proposals from Troutt, Beeman & Co.**

Mr. Soetaert provided an overview of the 3 proposals received from the accounting firm Troutt, Beeman & Co., noting that within the agenda packet there is a 2023 audit proposal as well as 2022 and 2023 single program audit proposals. Todd Luckman, District counsel, noted that due to the District receiving Federal funds in excess of \$750,000, a single program audit is required for that project. He also noted that he has reviewed each proposal and approved their form. Mr. Soetaert reviewed Troutt, Beeman & Co. and their familiarity with District. After discussion, Director Nelson moved that the Chairman be authorized to sign and execute the proposals from Troutt, Beeman & Co. Director Carlson seconded the motion. Motion passed unanimously.

**5. Consider WME Agreement w/ JCCC**

Mr. Soetaert started by reviewing the scope of the project for the Johnson County Community College (JCCC) CDL training facility on 191<sup>st</sup> St, east of Waverly Rd. He noted that District counsel has worked closely with JCCC to get an agreement that was acceptable to both parties. After review and discussion, Director Brovont moved to authorize the District Chairman and Secretary to execute the Water Main Extension Agreement with JCCC. Director Locke seconded the motion. Motion passed unanimously.

**6. Consider Temporary Easement w/FM Realty, LLC**

Mr. Soetaert provided an overview of the history involving the District's adjacent property owners. He highlighted that a temporary easement was initially granted in 2010 due to the adjoining property owners using a portion of District property for vehicle parking. Mr. Soetaert noted that due to some activity in the later part of 2023, and

upon conferring with the District Chairman and the District's legal counsel, he revoked the temporary easement to prevent the extension of a concrete drive onto District property. Subsequently, District counsel drafted a new temporary easement for consideration by both parties. Following discussion, Director Nelson motioned to authorize the District Chairman and Secretary to execute the Temporary Easement with FM Realty, LLC. Director Brovont seconded the motion. Motion passed unanimously.

**7. Consider Easement Disclaimer**

Mr. Soetaert addressed a recent water main break occurring on an existing water main road crossing located at 143rd St. and Spoon Creek Rd. He stated that replacing the water main crossing was deemed the optimal solution, and part of this process involved determining the appropriate easement corridor. During the evaluation, Mr. Soetaert highlighted that an easement granted to the District in 1971 inaccurately placed the water main corridor. The property owner has since granted a new, properly positioned easement corridor. Mr. Soetaert clarified that in such cases, an old easement can be "disclaimed." Director Locked motioned to authorize the District Chairman and Secretary to execute the Easement Disclaimer as presented. Director Henderson seconded the motion, and it passed unanimously.

**8. Reports/Updates**

**8a. Monthly report by Staff**

Chairman Denning started by providing some updates to the BOD.

Mr. Stalter updated the BOD on several water main relocation projects the District has ongoing throughout its system. He also reported on some upcoming projects happening with the District.

Mr. Soetaert noted that Mr. Luckman is working on some wholesale water purchase contracts as well as some other discussions with its municipal neighbors.

Chairman Denning then offered a 10-minute recess at 7:05pm. Upon reconvening the meeting at 7:15pm, Director Nelson moved that the Board recess into Executive Session for a period of 25 minutes for consultation with an 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 be included in that session. Director Locke seconded the motion. Motion passed unanimously. Time noted was 7:15pm.

The meeting then reconvened at 7:40pm upon Chairman Denning announced that no decisions, action, or votes were taken during the executive session.

Director Nelson then moved that the Board recess into Executive Session for a period of 20 minutes for consultation with an 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 be included in that session. Director Locke seconded the motion. Motion passed unanimously. Time noted was 7:41pm.

The meeting then reconvened at 8:01pm upon Chairman Denning announced that no decisions, action, or votes were taken during the executive session.

**9. Adjournment**

There being no further business, Chairman Denning requested a motion to adjourn the meeting. Director Locke moved such. Director Henderson seconded the motion. Motion passed unanimously. Time noted was 8:02pm.

Respectfully submitted,



Brian Andrew, Secretary