

Rural Water District No. 7, Johnson County, Kansas

Regular Board Meeting Minutes
October 8, 2024

Directors present: Frank Denning, Bill Locke, Charles Finley, Shaun Henderson, Brian Andrew, Ken McCarty, and Charlie Brovont. Directors absent: Shawn Hughes and Walter Johnston. Others present: Allan Soetaert, Colin Stalter, Mindy Krouch and Chester Bender arrived after the start of the meeting.

Chairman Frank Denning called the meeting to order at 5:31 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 McCarty seconded the motion. Motion passed unanimously.

2. Consider Interlocal Agreement with WaterOne

The District's Manager, Allan Soetaert, provided an overview to the Board of Directors (BOD) regarding a proposed Interlocal Agreement that would allow WaterOne to serve portions of the District's service area and to also reinforce a boundary overlap that has been discovered between the two entities. Mr. Soetaert reviewed an exhibit that was within the Interlocal Agreement noting the specific areas. Mr. Soetaert noted that the overlapping areas were a result of the incorporation of the (former) Rural Water District No. 5, which was ultimately merged into WaterOne's service area, and the subsequent incorporation of the District of some same parcels. He further mentioned that the incorporation of RWD #5 superseded the incorporation of RWD #7 (the District). Mr. Soetaert confirmed that the District's Counsel has reviewed the agreement. After discussion, Director Locke moved to adopt the Interlocal Agreement as presented. Director Andrew seconded the motion. Motion passed unanimously.

3. Consider Resolution #2024-10-01

Mr. Soetaert provided an update on the District's efforts to acquire the necessary easements for the 183rd Street Water Main Extension (WME) project, which is intended to service Everyg's West Gardner generating station located on Dillie Road, north of 191st Street. Mr. Soetaert noted the BOD has previously discussed and approved the project. He reported that due to the time constraints on the project, easement acquisition is timely. In this regard, he reported that the District has retained a right-of-way consultant who has recommended that the District consider an eminent domain resolution due to the constrained project timeline. Following Mr. Soetaert's update, Colin Stalter, District Engineer, reviewed the project and summarized the system improvements that would benefit the District. He noted that the BOD had previously approved a Water System Improvement Agreement with Everyg at their April board meeting and then entered into a progressive design contract with Infrastructure Solutions at their May board meeting for the project. After additional discussion, Director Andrew moved to adopt Resolution 2024-10-01; further authorizing Management to work with legal counsel and engineering/appraisal consultants to secure conveyances. Director McCarty seconded the motion. Motion passed unanimously.

4. Consider Engineering Consulting Agreement with PY

Mr. Stalter stated that the consulting agreement being considered with Ponzer/Youngquist (PY) is for services associated with the water main extension along 191st Street, east of Cedar Niles Road. He noted that because this project is at the request of a property owner, all costs will be covered by the property owner. After some discussion, Director Brovont moved to accept the proposal from PY, authorizing the Chairman and Secretary to execute. Director Locke seconded the motion. Motion passed unanimously.

Chairman Denning then provided some reports for the board members. He then appointed Directors Henderson and Locke to the Nominating Committee and would provide further reports to the BOD when available. He also noted that another Planning & Advisory Committee meeting will be planned soon.

Mr. Soetaert then provided the Board of Directors (BOD) with an update on the farm lease for the newly acquired property. He presented a couple of lease options for the Board to consider. During the discussion, the Board reviewed what preparations would be necessary to ready the land for future development.

Mr. Soetaert concluded by informing the Board that the Planning & Advisory Committee would be touring local municipal buildings to gather design ideas for the property.

5. Reports/Updates

5a. Consider Preliminary Engineering Report for De Soto's 95th Street Sanitary Lift Station (PY)

Mr. Stalter informed the Board that the District has received a request from De Soto to provide service to a Lift Station located on the north side of 95th Street, west of Kill Creek Park. Chester Bender, PY, provided further details on the request. Mr. Bender confirmed that the existing infrastructure has the capacity to meet the domestic water demands of the area and provided additional details on the request. He further noted that the proposed Lift Station is situated in the District's NW service area, which has already been studied to explore ways of improving redundancy. After discussion, Director Henderson moved to accept the report as provided. Director Andrew seconded the motion. Motion passed unanimously.

5b. Monthly Report by Staff

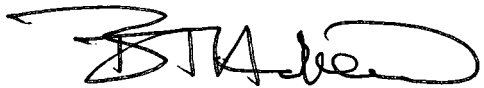
Mr. Stalter provided brief construction updates on the various projects within the District pointing out that construction has started at Avondale Meadows, while the Edgerton Road WME and 103rd Street WMR are both completed and in service. He noted that a District consultant (GBA) will be performing some additional analysis for the District in its northwest service area. He then reported that Phase II of New Century's Commerce Center is underway which will include some water main construction that the District will acquire in the year 2031. He noted that Lone Star Prairie is nearing design completion and that KDOT is soliciting information for a proposed bridge replacement at Moonlight Road over HWY I-35. Mr. Stalter then provided an update on the District's efforts to inventory its service lines for the EPA Lead and Copper Rule. Also announced were the winners of the prizes the District randomly selected who had participated in its survey efforts.

Mr. Soetaert then noted that legal counsel will update the BOD later this year or early next year on contract updates. He also noted that the District is still working with Miami County RWD2 to revise the wholesale supply contract as well as one with Douglas RWD4. Finally, he mentioned that a revision to the WaterOne contract was pending legal counsels from both entities to work through some final contract language.

6. Adjournment

There being no further business, Chairman Denning requested a motion to adjourn the meeting. Director Andrew moved such. Director Locke seconded the motion. Motion passed unanimously. Time noted was 6:45 PM.

Respectfully submitted,



Brian Andrew, Secretary

**RURAL WATER DISTRICT NO. 7,
JOHNSON COUNTY, KANSAS
RESOLUTION OF NECESSITY TO CONDEMN**

RESOLUTION 2024-10-01

WHEREAS, Rural Water District No. 7, Johnson County (“the District”), desires to obtain certain easements (hereinafter “Easements”) for the placement of water lines and use of related improvements and equipment on properties in Johnson County, Kansas; and

WHEREAS, the District has not been granted easements on certain tracts of land for such purposes.

THEREFORE, BE IT RESOLVED by the Board of Directors of the District that it is necessary to exercise its power of eminent domain, pursuant to the provisions of K.S.A. 82a-619, to take easements to permit the District, its employees, agents and contractors to: i) excavate, lay, construct, operate, inspect, and otherwise place and use pipeline within said Easements; ii) excavate, fill and re-grade the Easements; and iii) obtain reasonable access to the Easements by the District’s employees, agents, contractors, vehicles, materials and equipment.

The names of the owners of the parcels affected by the easements to be taken, and which have been deemed necessary for lawful purposes, are as follows:

TRACT I

Owners of Record: *LSRK LLC*

Subject Property:

The North half of the Northwest Quarter of Section 32, Township 14 South, Range 22 East in Johnson County, Kansas.

Area of Easement:

Permanent Easement

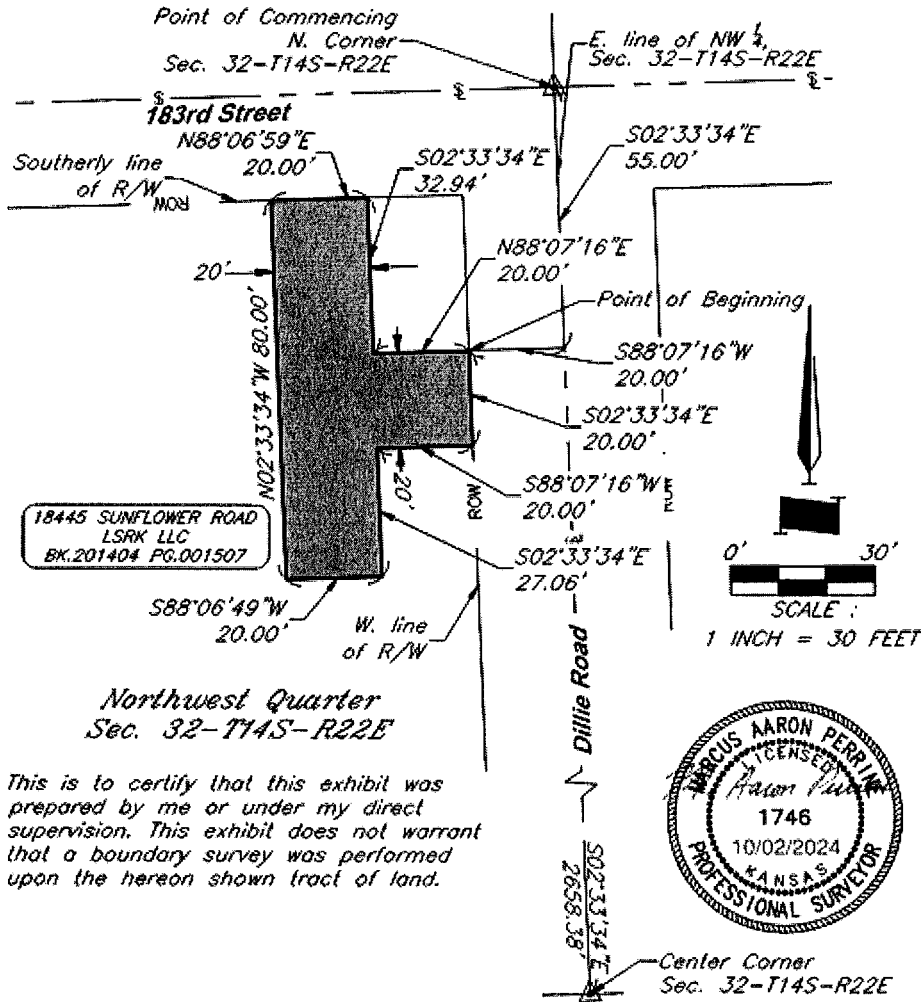
See Exhibit A.

Temporary Easement

See Exhibit B.

TRACT I - EXHIBIT A

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Denotes Permanent Easement
1,999.86 Square Feet

GBA
architects
engineers

9801 Renner Boulevard
Lenexa, Kansas 66219
913.492.0400
www.gbateam.com
aperrine@gbateam.com

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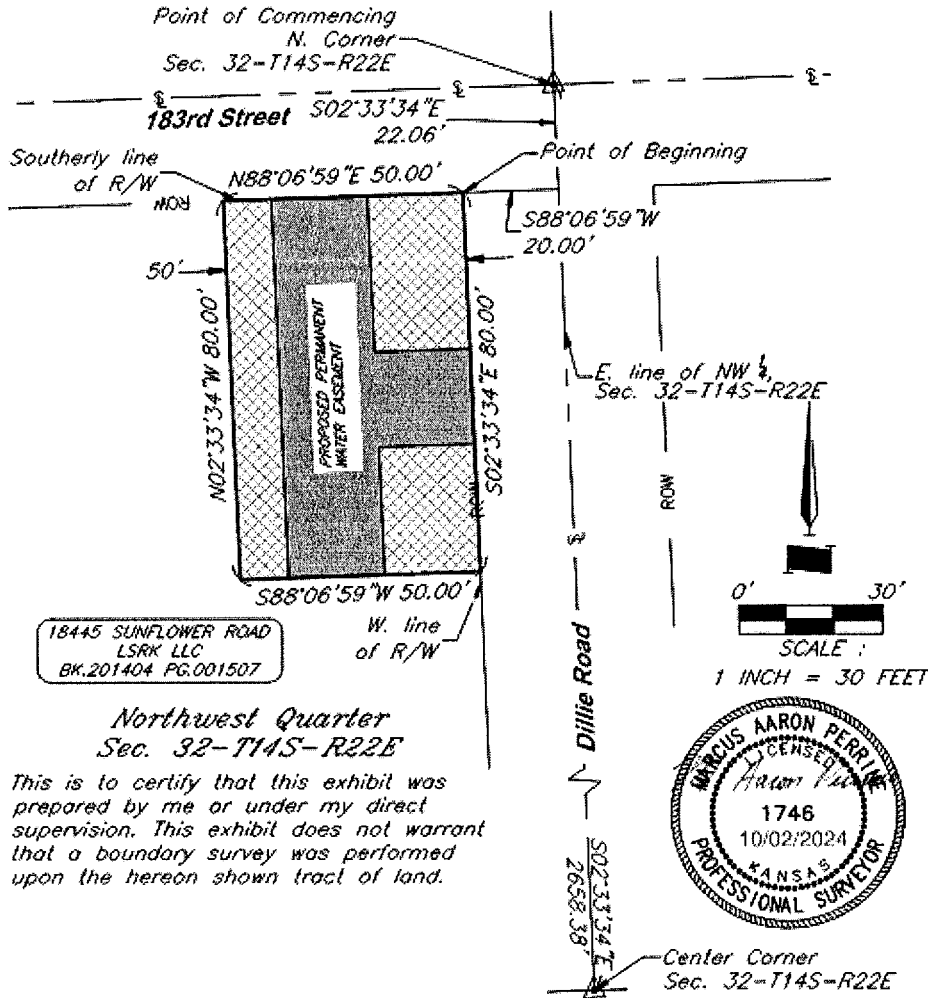
PROJECT NUMBER 16555.00
DATE 9/27/2024

Exhibit "A"
Perm. Water Easement
Johnson County, KS

SHEET NUMBER
2 of 2

TRACT I - EXHIBIT B

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18445 SUNFLOWER ROAD
LSRK LLC
BK.201404 PG.001507

*Northwest Quarter
Sec. 32-T14S-R22E*

This is to certify that this exhibit was prepared by me or under my direct supervision. This exhibit does not warrant that a boundary survey was performed upon the hereon shown tract of land.



Denotes Temporary Construction Easement 1,999.86 Square Feet Denotes Permanent Easement

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PROJECT NUMBER	16555.00
DATE	9/27/2024

Exhibit "B"
Temp. Water Easement
Johnson County, KS

SHEET NUMBER
2 of 2

TRACT II

Owners of Record: *Engelmann Farms, LLC*

Subject Property:

The Northeast Quarter (NE/4) of Section Thirty-two (32), Township Fourteen (14) South, Range Twenty-two (22), East of the 6th P.M., Johnson County Kansas, subject to that part used for road purposes.

Area of Easement:

Permanent Easement

Twenty (20) feet in width, ten (10) feet on each side of the pipeline as constructed; as shown in attached Exhibit A. The centerline of said easement shall not exceed more than Sixty-five (65) feet south of the north line of Section 32, Township 14 South, Range 22 East, in Johnson County, Kansas.

Temporary Easement

Ten (10) foot wide easements lying parallel and adjacent to both sides of the above-described permanent easement; as shown in attached Exhibit B. The temporary construction easements shall expire 365 days after completion of the pipeline construction on said property.

TRACT III

Owners of Record: *Mayrene Norris Trust dated November 28, 1988, Mayrene Norris, Trustee
Book 2903 at Page 321*

Subject Property:

*The West 1/2 of the Northwest 1/4 of Section 33, Township 14 South, Range 22 East, Johnson
County, Kansas.*

Area of Easement:

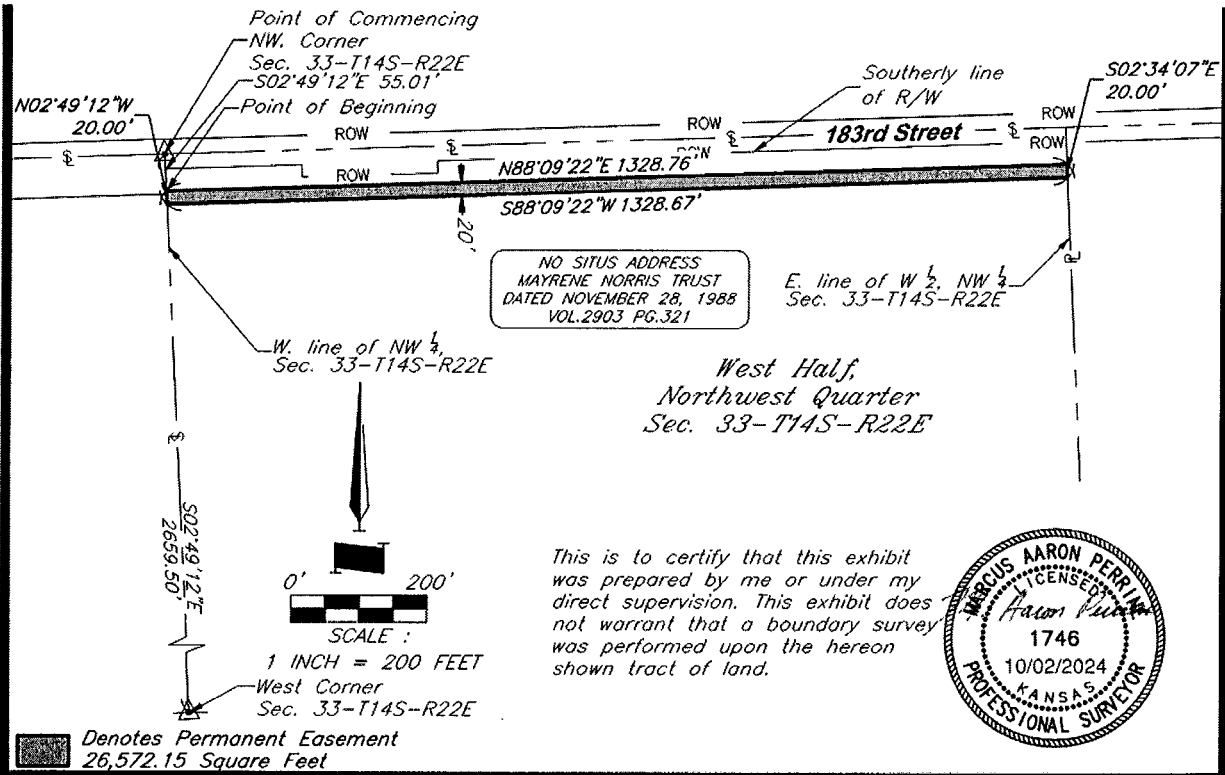
Permanent Easement

See Exhibit A.

Temporary Easement

See Exhibit B.

TRACT III – EXHIBIT A



GBA
architects
engineers

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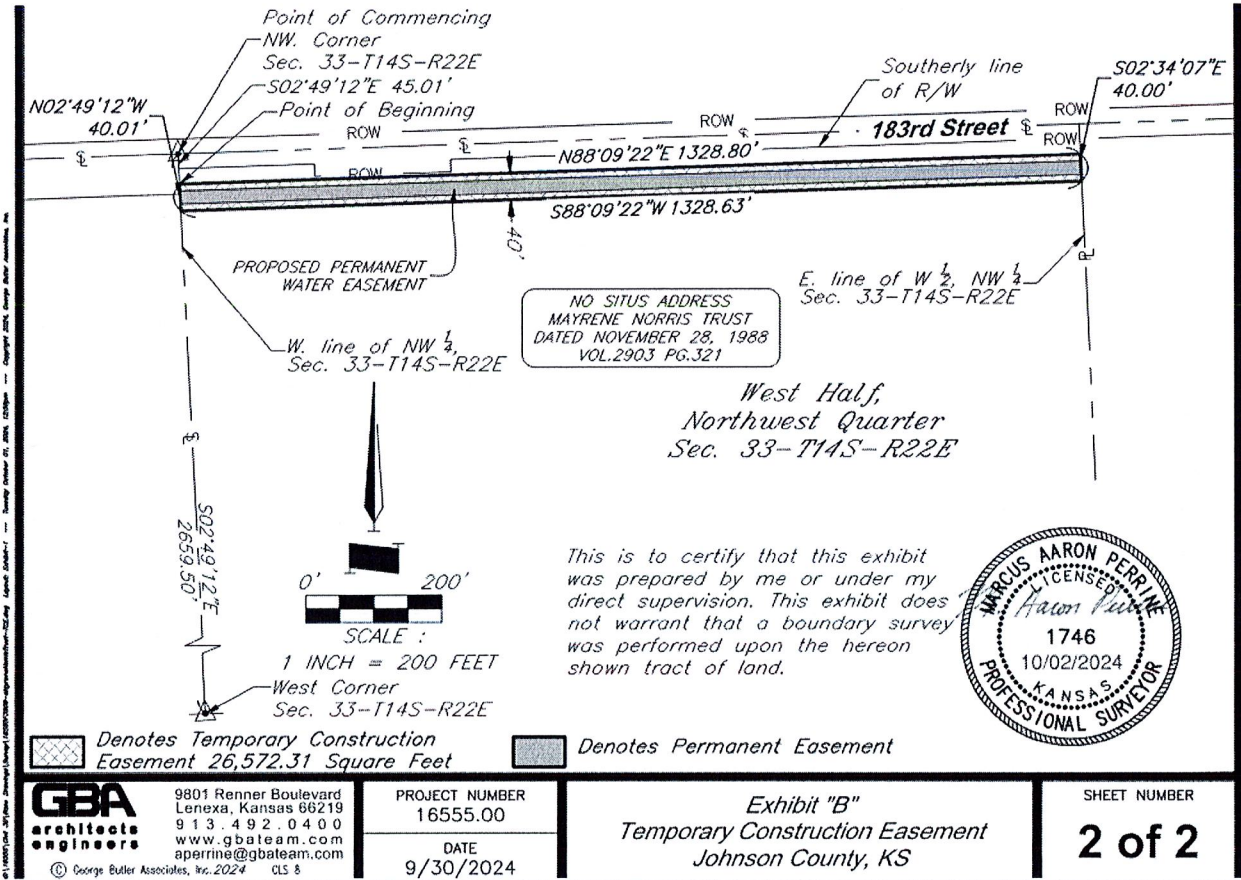
PROJECT NUMBER
16555.00

DATE
9/30/2024

Exhibit "A"
Permanent Water Easement
Johnson County, KS

SHEET NUMBER
2 of 2

TRACT III – EXHIBIT B



TRACT IV

Owners of Record: *Michael R. Norris and Daniel E. Norris*

Subject Property:

The East 1/2 of the Northwest 1/4 of Section 33, Township 14 South, Range 22 East, Johnson County, Kansas.

Area of Easement:

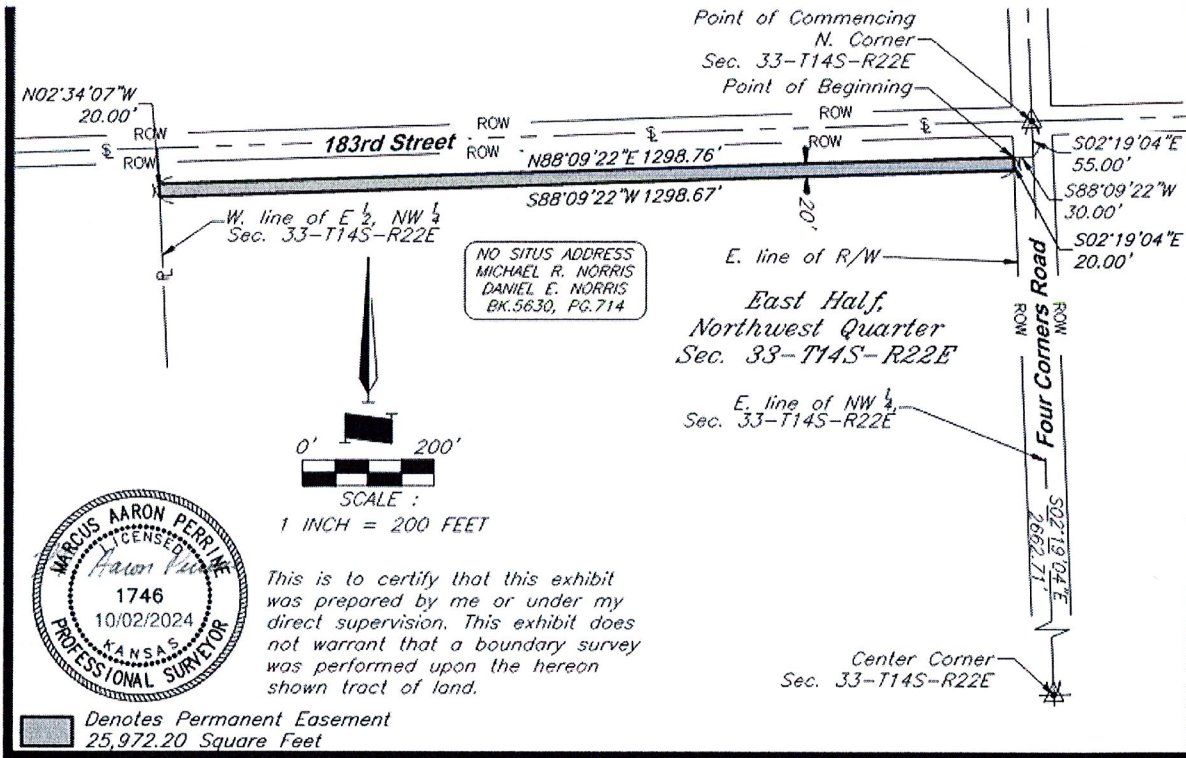
Permanent Easement

See Exhibit A.

Temporary Easement

See Exhibit B.

TRACT IV – EXHIBIT A



GBA
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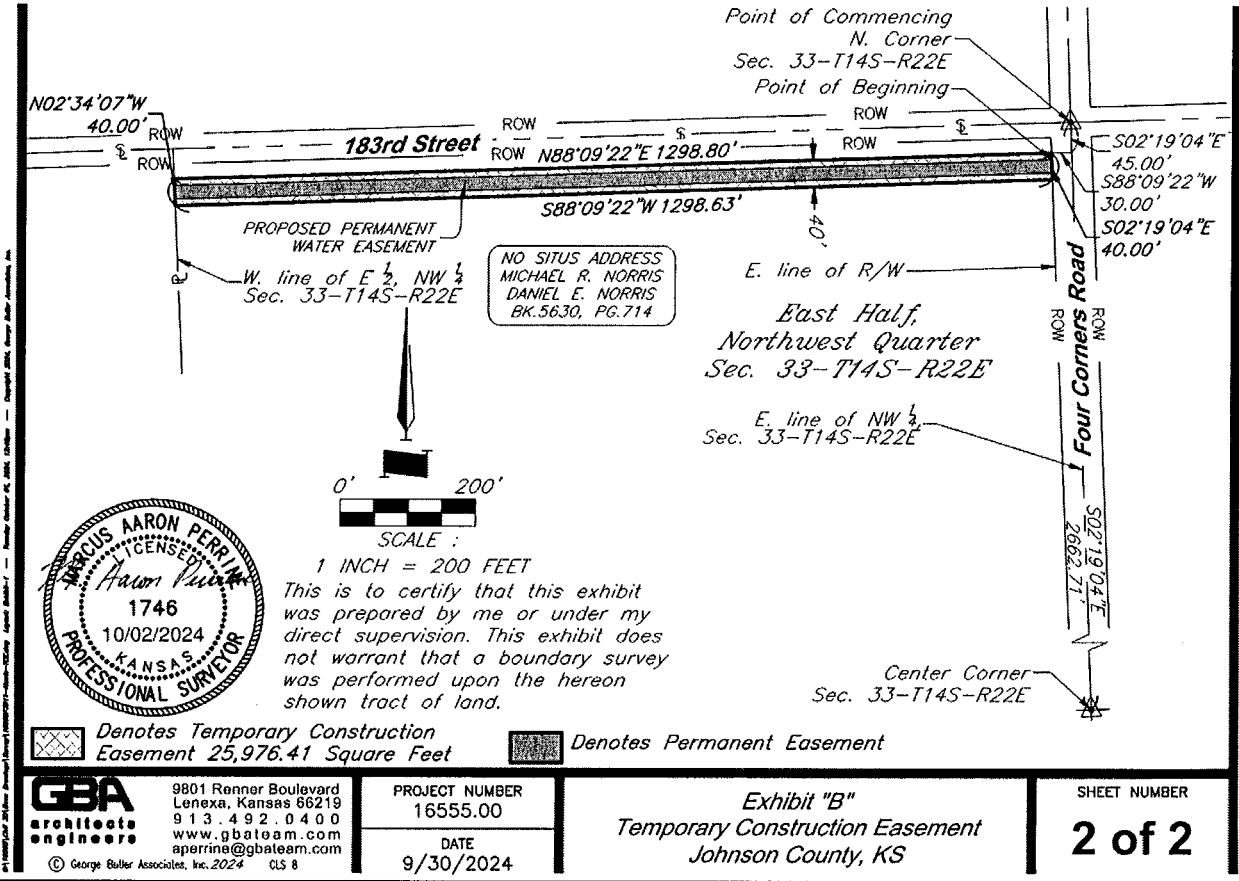
PROJECT NUMBER
16555.00

DATE
9/30/2024

Exhibit "A"
Permanent Water Easement
Johnson County, KS

SHEET NUMBER
2 of 2

TRACT IV – EXHIBIT B



TRACT V

Owners of Record: *Heartland Family Farms, LLC*

Subject Property:

All that part of the Northeast ¼ of Section 33, Township 14 South, Range 22 East, Johnson County, Kansas, lying Northwest of the right-of-way of the Atchison, Topeka and Santa Fe Railway, and also lying Northwest of the present highway, except that part in streets and roads.

Area of Easement:

Permanent Easement

The West Thirty (30) feet of the North Sixty (60) feet of the above-described tract, adjacent to the now established right-of-way of Four Corners Road and 183rd Street, in Johnson County, KS., as shown in Exhibit A (attached).

AND;

The North One Hundred and Seventy (170) feet of the South Two Hundred and Twenty (220) feet of the West Sixty (60) feet of the above-described tract, adjacent to the now established right-of-way of Four Corners Road, in Johnson County, KS., as shown in Exhibit A (attached).

Temporary Easement

Thirty (30) foot wide easements lying parallel and adjacent to the east side of the above-described permanent easement and a ten (10) foot wide easements lying parallel and adjacent to the east side of the above-described permanent easement; as shown in attached Exhibit B. The temporary construction easements shall expire 365 days after completion of the pipeline construction on said property.

TRACT VI

Owners of Record: Steven J. Poterbin, John King, Sheila J. Poterbin, Catherine A. King, Brian P. Poterbin, Tessa A. Poterbin, Nicole M Poterbin, Kristine C. Poterbin

Subject Property:

A tract of land in the Southeast Quarter of Section 6, Township 15 South, Range 22 East in Johnson County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North 01 degrees 16 minutes 13 seconds West on the East line of said Southeast Quarter a distance of 613.18 feet to a point on the North right of way line of 56 Highway, said point also being the point of beginning of the tract of land to be described; thence Southwesterly, continuing on said North right of way line, on a curve to the right having an initial tangent bearing of South 57 degrees 01 minutes 19 seconds West, a radius of 3779.80 feet, an arc distance of 672.59 feet; thence North 22 degrees 46 minutes 57 seconds West continuing on said North right of way line a distance of 30.00 feet; thence Southwesterly continuing on said North right of way line on a curve to the right, having an initial tangent bearing of South 67 degrees 13 minutes 03 seconds West, a radius of 3749.80 feet, an arc distance of 605.95 feet; thence North 28 degrees 54 minutes 60 seconds West continuing on said North right of way line a distance of 71.03 feet; thence South 88 degrees 56 minutes 19 seconds West continuing on said North right of way line a distance of 137.01 feet; thence North 60 degrees 35 minutes 30 seconds West continuing on said North right of way line a distance of 113.10 feet; thence South 88 degrees 56 minutes 19 seconds West continuing on said North right of way line a distance of 486.28 feet; thence North 01 degrees 33 minutes 37 seconds West a distance of 382.15 feet; thence North 88 degrees 59 minutes 06 seconds East a distance of 648.94 feet to a point on the West line of the East half of said section; thence North 01 degrees 34 minutes 06 seconds West on said West line, a distance of 296.19 feet; thence North 87 degrees 11 minutes 02 seconds East a distance of 30.12 feet; thence North 01 degrees 27 minutes 44 seconds West a distance of 696.15 feet; thence North 89 degrees 04 minutes 41 seconds East a distance of 420.84 feet; thence South 01 degrees 16 minutes 40 seconds East a distance of 694.48 feet; thence North 88 degrees 43 minutes 20 seconds East a distance of 850.11 feet; thence South 01 degrees 16 minutes 17 seconds East on said line a distance of 349.64 feet to the point of beginning except that part in highway and roads. (Tax Property ID: 4F221506-4011)

Area of Easement:

Permanent Easement

The East Sixty-five (65) feet of the South Two Hundred and Seventy (270) feet of the above-described tract, adjacent to the now established right-of-way of Sunflower Road, in Johnson County, KS., as shown in Exhibit A (attached).

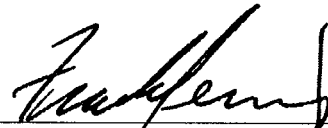
Temporary Easement

A Ten (10) foot wide easement lying parallel and adjacent to the West and North sides of the above-described permanent easement; as shown in attached Exhibit B. The temporary construction easements shall expire 365 days after completion of the pipeline construction on said property.

The above-named properties or such parts of the above-named properties as may be deemed necessary by the District, are required for the District to adequately operate its water supply system and serve its customers.

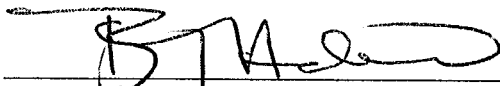
Counsel for the District is authorized and directed to file condemnation proceedings necessary to give effect to this resolution.

Adopted this 8th day of October 2024.



Frank P. Denning, Chairman

Attest:



Brian Andrew, Secretary