

**PROPOSED AGENDA  
BOARD OF DIRECTORS MEETING  
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

**Conference room**

1:00 p.m.

Tuesday, February 8, 2005

313 Spruce Street  
Halstead, Kansas, 67056-1925

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1. APPROVAL OF MINUTES
  - a) January 11 meeting
  - b) Review annual meeting
2. APPROVAL OF AGENDA
3. FINANCIAL REPORT
4. APPROVAL OF EXPENDITURES
  - a) Property, bond, liability, worker's compensation and vehicle insurance
  - b) February expenditures
5. PUBLIC FORUM - *Persons may present written or verbal comments concerning non agenda business. Please limit presentation to five minutes.*
6. APPEAL REVIEW -
  - a) 1:10 p.m. – James Molitor, Application #46043, SE 16-26S-2W, Sedgwick County
7. OLD BUSINESS
  - a) Office building foundation repair
  - b) Annual meeting
8. NEW BUSINESS
  - a) Election of board officers
  - b) Water meter extension of time K.A.R. 5-22-4d(d)
  - c) Kansas Water Congress state affairs committee
9. MANAGER'S REPORT
  - a) Surplus property sale
  - b) Vehicle bid award
  - c) KDHE quarterly plugging report
  - d) Monthly hydrologic condition report
  - e) Monthly information and service report
10. ADDITIONS TO THE AGENDA
11. BOARD ROUND TABLE DISCUSSION – Bob Seiler, President
12. EXECUTIVE SESSION - Personnel

**Notice:** All Board of Directors meeting and any portion thereof are open to the public, except for closed or executive meetings, as prescribed by K.S.A. 75-4319. If you wish to be notified of Board of Directors meetings, hearings, work sessions or other business meetings, please complete a meetings notice form. Forms may be obtained from the Equus Beds Groundwater Management District No. 2.

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**  
**February 8, 2005**

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting February 8, 2005, in the conference room of the Equus Beds Groundwater Management District No. 2 in Halstead, Kansas. President, Bob Seiler, called the meeting to order at 1:01 P.M.

Directors and staff present during all or portions of the meeting:

Robert Seiler, President	Fred Seiler, Member
Frank Harper, Vice President	Nadine Stannard, Member
Dave Stroberg, Secretary and Acting Treasurer	David Warren, Member
Clarke Dixon, Member	Tom Adrian, Attorney
Larry Jacob, Member	Mike Dealy, Manager
Kirk Larson, Member	Tessa Butcher, Administrative Assistant

Directors absent: None

Others attending the meeting or portions thereof were:

Steve Bond, Stafford	Jim Molitor, Andale
Leon Gaeddert, Buhler	Charlie Peaster, Sedgwick
Brian Meier, Wichita	Rich Robinson, Wichita
M.S. Mitchell, Wichita	

**Item 1 -- Approval of Minutes**

**a) January 11<sup>th</sup> Meeting**

Moved by Kirk Larson and seconded by Frank Harper to approve the January 11, 2005, Board minutes. Motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

**b) Review Annual Meeting**

President Bob Seiler, reviewed the minutes of the January 11, 2005 Annual meeting minutes.

**Item 2 -- Approval of Agenda**

Clarke Dixon requested the matter of arsenic concentrations in drinking water was added to agenda Item 11 for discussion. Moved by Kirk Larson and seconded by Clarke Dixon to approve the February agenda as amended. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Director absent.

**Item 3 -- The Financial Report**

**a) The Financial Report for January was:**

Cash Receipts	\$220,472.89
Beginning Balance	\$ 44,289.80
Money Market Account Interest	\$ 36.53
General Fund Interest	\$ 104.99
Grant Funds – Interest	\$ 12.76
Expenditures	\$ 22,270.26
Grant Funds Expenditures	\$ 0.00
Ending Balance	\$242,646.71

Moved by Kirk Larson and seconded by Dave Stroberg to approve the January financial report. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

#### **Item 4 -- Approval of Expenditures**

Moved by Kirk Larson and seconded by Larry Jacob to approve the Property, Bond, Liability, Worker's Compensation, and Vehicle Insurance Expenditures offered through The Hartford. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

Moved by Krik Larson and seconded by Dave Stroberg to approve the February expenditures. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

#### **Item 5 -- Public Forum**

Bob Seiler, President, asked if any audience member had comments to present to the Board of Directors.

M.S. Mitchell, Kansas Building Association advised that the engineer's report for the City of Maize on the use of a groundwater pit as part of the City's stormwater disposal system was completed. The Board requested a copy of the report was provided to each board member.

Charlie Peaster, Sedgwick, was concerned about the quality of water discharged in to groundwater pits in the area, the amount of water used by the City of Wichita and the number of municipalities that purchased water from the City of Wichita. David Warren stated that sixty percent of the City's water usage was from Cheney reservoir, twenty-five percent was from the Equus Beds aquifer, and fifteen percent from the well field in the City and seven or eight municipalities purchase water from the City.

Leon Gaeddert, Buhler, requested that the Board review two meter orders issued by the District on water permits nos. 42849 and 42852. David Warren moved that the noncompliance matter was reviewed at the March Board Meeting. Nadine Stannard seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

#### **Item 6 – Appeal Review**

##### **a) James Molitor, Application #46043, SE 16-26S-2W, Sedgwick County**

Mike Dealy, Manager, presented background information and staff recommendations on Application No. 46043. The application does not comply with the Safe Yield Regulation K.A.R. 5-22-7 and Well Spacing Regulation 5.-22-2. The applicant was requesting an exception to the regulations. James Molitor, applicant, was present and stated: a) that the well had been drilled and constructed prior to his ownership of the facility, b) using the well instead of using the City water supply was more economical, and c) he did have an objection to converting the application to a term application.

##### **FINDINGS:**

1. the application was for an industrial well water supply for a commercial car wash facility;
2. the application requested a quantity of 1.68 AF/Y, and a maximum rate of 50 GPM;

3. the application did not comply with safe yield rule and regulation 5-22-7(a);
4. existing appropriations and the proposed appropriation of 1.68 AF/Y within the area of consideration (two-mile radius circle) totaled 12,516.1 acre-feet per year ;
5. the safe yield allowable appropriation for the area of consideration was 3,614.1 acre-feet per year;
6. the application did not comply with the 1,320 feet non domestic spacing requirement of K.A.R. 5-22-2(c);
7. the well was located approximately 1,298 feet south of an existing non domestic appropriation authorized by water permit no. 32626;
8. the Division of Water Resources advised that objections to the application by the City of Colwich and a nearby domestic well owner were received;
9. aquifer drawdown created by the well's actual pumping rate of 36 gpm would be minimal, and the reduced spacing distance by 22 feet would not have a detrimental drawdown effect on the existing non domestic and nearby domestic appropriations;
10. while the applicant provided a list of property owners in the adjacent blocks, the location of domestic wells within 660 feet was not known;
11. the application was filed before the small users exemption K.A.R. 5-22-7(b)(1) was effective in the District;
12. the application did not comply with the small user exemption;
13. a waiver of the small user exemption for application no, 46043 by the District Board of Directors was a precedent;
14. previous Board decisions recommended waivers of the District regulations for term applications; and
15. an exception to Safe Yield Regulation 5-22-7 and the Well Spacing Regulation 5-22-2 for a term permit application will neither impair use under existing rights nor prejudicially affect the public interest and was consistent with previous Board decisions.

Based on the review findings, Clarke Dixon made a motion to recommend that an exception to the Safe Yield Regulation 5-22-7(a) and Well Spacing Rule and Regulation, K.A.R. 5-22-2(c), be granted, and the application approved subject to the following conditions:

1. appropriation application no. 46043 was converted from an appropriation application to a term permit application subject to the conditions and limitations of a term permit
2. the maximum period of use of the term permit did not exceed 10 years;
3. no period of use extensions were granted for the term permit or any replacement term application;
4. the applicant seek alternate sources of water for the facility's water supply needs;
5. the proposed pumping rate was reduced from 50 gpm to 36 gpm; and
6. the well described in the term application was equipped with a flowmeter in accordance with K.A.R. 5-22-4.

Nadine Stannard seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

## Item 7 – Old Business

### a) Office building repair

Mike Dealy, District Manager, presented cost estimates for structural and non structural repairs to the office building, as recommended by Professional Engineering Consultants report to the Board of Directors.

Moved by David Warren and seconded by David Stroberg to approve non structural office repairs totaling \$7,019 and consisting of: a) the installation of an lawn irrigation system by C&C Sprinkler Inc., b) lawn installation, and c) grading and a retaining wall.

Motion carried with 7 Director(s) for, 2 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

### b) Annual meeting

The Board of Directors discussed the annual meeting and requested staff prepared a voter summary of the board election by the March board meeting. Additionally, the Board of Directors requested a copy of the District's report entitled, *Stormwater Runoff Quality and Associated Effects on Groundwater Quality*, was provided to the Board of Directors.

## Item 8 – New Business

### a) Election of Board Officers

Bob Seiler, President, opened the floor for discussion and nominations for Board officers.

Clarke Dixon made a motion to nominate Bob Seiler as President. Nadine Stannard seconded the motion and called for nominations to cease. David Warren seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

Nadine Stannard made a motion to nominate Frank Harper as Vice President. Clarke Dixon seconded the motion. Kirk Larson made a motion to cease nominations. David Warren seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 0 Director(s) absent.

Nadine Stannard made a motion to nominate David Stroberg as Secretary. Larry Jacob seconded the motion. Kirk Larson made a motion to cease nominations. David Warren seconded the motion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

Nadine Stannard made a motion to nominate Clarke Dixon as Treasurer. David Warren seconded the motion. Kirk Larson made a motion to cease nominations. Larry Jacob seconded the motion. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

### b) Water meter extension of time K.A.R. 5-22-4d(d)

Mike Dealy, District Manager, presented Resolution ME 2005-1 to the Board of Directors for action. The resolution will delegate the authority of the Board of Directors, pursuant to K.A.R.5-22-4d(d), to the District manager to grant extensions of time to install water flowmeters.

Moved by David Warren and seconded by Clarke Dixon to approve Resolution ME 2005-1. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

**c) Kansas Water Congress state affairs committee**

Bob Seiler, President, reviewed a January 21, 2005, letter from the director of the Kansas Water Congress requesting that the District appoint a principle and alternate to participate in the State Affairs committee.

Moved by Clarke Dixon and seconded by Larry Jacob to appoint Bob Seiler as principle and Kirk Larson as alternate to the committee. Motion carried with 9 Directors for, 0 Directors against, 0 Directors abstained, 0 Directors absent.

**Item 9 – Manager’s Report**

**a) Surplus property sale**

The results of the District’s surplus property were presented to the Board of Directors. Ten items were purchased for a total of \$139.20. The remaining surplus property could be donated to non profit organizations. Kirk Larson advised that the Hutchinson unified school district allows other local governments to participate in its annual surplus property sale.

**b) Vehicle bid award**

Mike Dealy reviewed the vehicle bids to replace the 1997 S-10 Chevrolet truck. The best and low bid of \$13,487.33 for a 2005 Silverado 1500, 4WD, was awarded to Shep Chevrolet, Haven, Kansas. Delivery is estimated by March 1, 2005.

**c) Kansas Department of Health and Environment quarterly plugging report**

Mike Dealy reviewed the Kansas Department of Health and Environment quarterly plugging report.

**d) Monthly Hydrologic Condition Report**

Mike Dealy, Manager, reviewed the Hydrologic Condition Report. He advised that the Darlow Station was currently offline because the voice modem had malfunction. Replacement equipment was on order and staff will install the voice modem by the end of February.

**e) Annual Information and Service Request Report**

Mike Dealy, Manager, reviewed the Annual Information and Service Request Report.

**Item 10 – Additions to the Agenda**

There were no additions to the agenda.

**Item 11 – Board Round Table Discussion – Bob Seiler, President**

Clarke Dixon, provided board members with his working papers concerning arsenic concentrations in drinking water and his concern that arsenic levels for the aquifer storage and recovery program should be the same concentrations as required for the City’s water supply customers.

Bob Seiler, President, reviewed a letter from the Western Kansas Groundwater Management District No. 1, concerning the board representation issue and several recent

news articles. It was the consensus of the Board of Directors for staff to draft a response letter for signature by the Board President. The response letter should include: a) a thank you for the concern and letter, b) the Board attempted to resolve the issue in 2002 and 2004, and c) another municipal representative was elected to the board at the 2005 election.

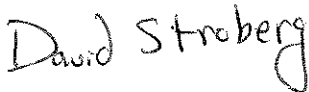
**Item 12 – Executive Session – Personnel**

It was moved by Nadine Stannard to recess into executive session at 4:00 p.m. for 30 minutes to discuss legal matters, to protect the privacy of those discussions, to permit consultation with the Board, and to protect the confidentiality of the privileged nature of those communications. Those present during this executive session would be members of the board, Mike Dealy, District Manager, and Tom Adrian, Legal Counsel. The open meeting was to reconvene at 4:30 p.m. Larry Jacob seconded the motion. Motion carried with 9 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 0 Director(s) absent.

The Board returned to regular session at 4:30 p.m.

Bob Seiler, President, adjourned the Board meeting at 4:37 p.m.

Respectfully submitted,



David Stroberg  
Secretary  
DS/MTD/td