

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

**Conference room**

1:00 p.m.

Tuesday, March 8, 2005

313 Spruce Street

Halstead, Kansas, 67056-1925

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1. APPROVAL OF MINUTES
2. APPROVAL OF AGENDA
3. FINANCIAL REPORT
  - a) Annual financial audit - Jack Blazer, Knudsen and Monroe Company
  - b) February financial report
  - c) Bank account resolutions
4. APPROVAL OF 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) None Pending
7. OLD BUSINESS
  - a) Albert Edgier, Non compliance Water Flowmeter #42849 & 42852 NE 14 & 18-22-3W, Harvey County
  - b) City of Maize, Non compliance Water Permit #45615, NW 20-26-1W, Sedgwick County
8. NEW BUSINESS
  - a. NCRA saltwater remediation project status, Brian Powers
  - b. Personnel policy revisions
9. MANAGER'S REPORT
  - a) Status Voshell and Johnson water quality monitoring networks
  - b) Status District rules and regulations recommended to KDHE
  - c) Monthly hydrologic condition report
  - d) 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.

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## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

March 8, 2005

The Board of Directors for the Equus Beds Groundwater Management District No. 2 held a monthly meeting March 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 1:02 P.M.

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

Robert Seiler, President  
Frank Harper, Vice President  
Dave Stroberg, Secretary  
Clarke Dixon, Treasurer  
Larry Jacob, Member

Fred Seiler, Member  
Nadine Stannard, Member  
David Warren, Member  
Tom Adrian, Attorney  
Mike Dealy, Manager  
Tim Boese, Hydrologic Technician and meeting recorder

Directors absent: Kirk Larson

Others attending the meeting or portions thereof were:

Steve Bond, DWR, Stafford  
Leon Gaeddert, Buhler  
Brian Meier, Wichita  
Tom Huntzinger, DWR, Topeka  
M.S. Mitchell, Wichita  
Don Koci, Hutchinson  
Brian Powers, NCRA, McPherson

Donald Carlson, KDHE, Topeka  
Charlie Peaster, Sedgwick  
Rich Robinson, Wichita  
Carol Bloodworth, Maize  
Chris Bohm, Wichita  
Amy Bickel, Hutchinson

### Item 1 -- Approval of Minutes

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

### Item 2 -- Approval of Agenda

Moved by Nadine Stannard and seconded by Fred Seiler to approve the March agenda. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, 1 Director absent.

### Item 3 --Financial Report

#### a) Annual Financial Audit

Mike Dealy, District Manager, informed the Board that the District's accountant, Jack Blazer, Knudson and Monroe Company, advised the annual audit was not complete and would be presented to the board at the April 12, 2005, meeting. Moved by David Stroberg and seconded by Larry Jacob to table the annual financial audit until the April 12, 2005, meeting. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, 1 Director absent.

### **b) February Financial Report**

Mike Dealy, Manager, advised that the special audit report was not complete and as a result, the February financial reports were not available. The results of the special audit would be presented to the Board in executive session at the April 12, 2005, Board meeting.

### **c) Bank Account Resolution**

Mike Dealy, Manager, advised that the resolution was required by the Halstead Bank to grant the Executive Board Officers banking powers for the District four accounts with the Halstead Bank. Moved by Larry Jacob and seconded by Fred Seiler to approve the bank account resolutions. Motion carried with 8 Directors for, 0 Directors against, 0 Directors abstained, 1 Director absent.

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

Moved by Clarke Dixon and seconded by David Stroberg to approve the March expenditures. Motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, 1 Director(s) absent.

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

Bob Seiler, President, asked if any audience member had comments to present to the Board of Directors. Mike Dealy, Manager, advised that Director, Kirk Larson, was recovering from surgery at the Hutchinson Hospital and a get-well flower arrangement was sent to him, on behalf of the Board and staff.

### **Item 6 – Appeal Review**

a) None were pending.

### **Item 7 – Old Business**

a) **Albert Ediger, Non compliance Water Flowmeter #42849 & 42852 NE 14 & 18-22-3W, HV Co.**

Mike Dealy, District Manager, presented background information, findings, and staff recommendations for Water Permit #42849 non compliance with Meter Rule and Regulations K.A.R. 5-22-4 and K.A.R. 5-22-4a. Leon Gaeddert, agent, provided background information to the Board.

#### **FINDINGS**

District's water flowmeter rule and regulation K.A.R 5-22-4 states that water flowmeters meet all of the required conditions, including the meter tube requirement.

The water permit was issued a certificate July 28, 2003, nearly three years after the meter tube regulation became effective.

Since September 22, 2000, at least 50 non-domestic wells have been issued a certificate of appropriation and have complied with the meter tube requirement, as provided in K.A.R. 5-

1-4(b)(8). Additionally, the meter tube requirement has been applied to over 400 new water permits and change applications since September 22, 2000.

The Water Commissioner, Stafford Field Office, Division of Water Resources, advised State regulations do not contain a "meter tube grandfather clause" or an administrative exclusion procedure. An exception request of the meter tube regulation must be appealed to the Division of Water Resources pursuant to K.A.R. 5-14-1 through K.A.R. 5-14-7.

District records indicate this is the first board review requesting an exception to the requirement that the flowmeter be equipped with a manufacturer-approved measuring chamber, i.e. tube, with flow-straightening vanes.

Board action on the request will set a precedent.

Steve Bond, Division of Water Resources – Stafford, advised the flowmeter was field-tested by DWR during certification and the accuracy of was meter was found to be within plus or minus 2%.

Tom Adrian, Legal Counsel, advised the Board that the time for Mr. Gaeddert to appeal had expired.

The Board discussed Mr. Gaeddert's letter dated September 23, 2003, as a valid appeal to the District. Mr. Gaeddert stated in the letter that the water meter was approved by the District in 1999 and he assumed that the 1999 inspection and approval took precedence over the current measuring chamber (tube) requirement. Mr. Adrian advised against the Board accepting the September 23, 2003, letter as an appeal.

It was moved by David Warren accept Mr. Gaeddert's September 23, 2003, letter as a valid appeal. Clarke Dixon seconded the motion. The motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

It was moved by David Warren to grant an exemption to the meter tube requirement for Water Permit #42849. Due to the similarities of the two water permits and water meter installations, the exemption would also apply to Water Permit #42852. Clarke Dixon seconded the motion. The motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

The Board requested Mike Dealy, District Manager, review with the Board the meter rules and regulations at the April 12, 2005, Board meeting.

**b) City of Maize, Non compliance Water Permit #45616, NW 20-26-1W, SG County**

Mike Dealy, District Manager, presented background information, findings, and staff recommendations for Water Permit #45616 noncompliance with the District's Waste of Water Regulation 5-22-3, and the conditions and limitations of the water permit. Carol Bloodworth, City of Maize, and the city's consultant, Chris Bohm, Ruggles and Bohm, P.A., provided information about the city's stormwater runoff management plan.

## FINDINGS

The use of existing road ditches will not adequately treat the quality of the stormwater runoff to inject and recharge the Equus Beds aquifer,

The City's plan did not contain the following:

- A) source water characterization
- B) surface and groundwater monitoring plan
- C) Best management practices maintenance and operating plan
- D) A plan to manage future growth or expansion of the City's stormwater management system.

Don Carlson, Kansas Department of Health and Environment (KDHE), advised that, although KDHE does not have a regulation preventing stormwater runoff from entering a groundwater pit, he believes it is not a good practice. Mr. Carlson advised that KDHE does have regulations to require violators to remediate any groundwater pollution should it occur as a result of using a groundwater pit for stormwater disposal.

Tom Huntzinger, Division of Water Resources (DWR), advised that DWR regulations were also reactive in nature. Mr. Huntzinger advised that DWR would take action if the degradation of the water quality caused impairment of other water rights. Mr. Huntzinger further advised that DWR and the Kansas Geological Survey (KGS) are conducting a study of the impacts from routing surface water runoff in to groundwater pits and that the study will be completed by January 1, 2006.

It was moved by Nadine Stannard to table the noncompliance issue for one year to allow the completion of the DWR/KGS study. Larry Jacob seconded the motion. The motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

David Warren, Member, strongly encouraged the City of Maize to take action to prevent surface water contamination through public education/enforcement. Mr. Warren also recommended the city take water quality samples from the groundwater pit and the surface water flowing into the pit.

Mike Dealy, Manager, advised that tabling the noncompliance issues does not remove the City of Maize's liability should groundwater contamination occur as a result of injecting stormwater runoff into the groundwater pit.

### Item 8 – New Business

#### a) NCRA Saltwater Remediation Project Status, Brian Powers

Brian Powers, National Cooperative Refinery Association (NCRA) presented the status of NCRA's saltwater remediation project. The presentation included an overview of the project including initial groundwater quality conditions, effectiveness of the chloride recovery wells, and current groundwater quality. Mr. Powers advised that the remediation project had been very successful to date and plans were being made for possible expansion of the remediation project. Mr. Powers advised the plans may include asking for District and Kansas Corporation Commission for assistance with the installation of remediation wells east of NCRA near the Johnson oil field.

## **b) Personnel Policy Revisions**

Mike Dealy, Manager, advised the personnel policy had not been updated since 1996 and presented a draft of the revised District Personnel Policy. It was the consensus of the Board to review the personnel policy at a Board meeting on March 29, 2005, at 3:00 P.M.

The Board requested that Randy Pankratz, attorney, Adrian & Pankratz, review the personnel policy and present comments at the March 29, 2005. David Warren, member, offered to have the City of Wichita's Human Resources personnel also review the policy and make any comments. It was the consensus of the Board to accept the review offer.

## **Item 9 – Manager's Report**

### **a) Status Voshell and Johnson Water Quality Monitoring Networks**

Mike Dealy, Manager, advised the Voshell water quality monitoring wells were drilled, constructed and water level and quality data collected by District staff. Mr. Dealy advised that two monitoring wells in the Johnson monitoring network remained to be drilled and constructed. The drilling of the last two wells was delayed by weather and is scheduled for the week of March 14, 2005.

### **b) Status District Rules and Regulations Recommended to KDHE**

Mike Dealy advised that the Kansas Attorney's General had approved the proposed District rules and regulations recommended to KDHE by the District, concerning abandoned and inactive water wells. The public hearing was tentatively scheduled to coincide with the June 14, 2005, Board meeting.

### **c) Monthly Hydrologic Condition Report**

Mike Dealy, Manager, reviewed the Hydrologic Condition Reports. He advised that the Darlow Station was back online and that individuals calling the station can receive limited data. Campbell Scientific will be downloading a digital voice file to the station and full data access will be available soon. Mr. Dealy also advised the water-level transducer was scheduled for replacement in the Pretty Prairie station after repairs are complete at the Darlow station.

### **d) Monthly Information and Service Report**

Mike Dealy, Manager, advised that District staff responded to 224 requests for information or assistance in February for an average of over 11 per day.

## **Item 10 – Additions to the Agenda**

There were no additions to the agenda.

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

It was the consensus of the Board to change the Board meeting starting time to 6:00 P.M. starting at the April 12, 2005, meeting and continue meeting at 6:00 P.M. through the summer months.

## Item 12 – Executive Session – Personnel

### a) Personnel

It was moved by Nadine Stannard to recess into executive session at 4:52 p.m. to discuss personnel matters of non-elected personnel, for the purpose of protecting the privacy of that information. Those present during this executive session would be the members of the Board, Tom Adrian, Legal Counsel, and Mike Dealy, District Manager. The open meeting was to reconvene at 5:30 p.m. David Warren seconded the motion. The motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

The Board returned to regular session at 5:30 p.m.

It was moved by Nadine Stannard to recess into executive session at 5:30 p.m. to discuss personnel matters of non-elected personnel, for the purpose of protecting the privacy of that information. Those present during this executive session would be the members of the Board and Tom Adrian, Legal Counsel. The open meeting was to reconvene at 5:45 p.m. David Warren seconded the motion. The motion carried with 8 Director(s) for, 0 Director(s) against, 0 Director(s) abstained, and 1 Director(s) absent.

The Board returned to regular session at 5:45 p.m.

Bob Seiler, President, adjourned the Board meeting at 5:45 p.m.

Respectfully submitted,



David Stroberg  
Secretary  
DS/MTD/tdb