

MINUTES – JANUARY 11, 2018  
BIG BEND GROUNDWATER MANAGEMENT DISTRICT #5  
MEETING OF THE BOARD OF DIRECTORS

The monthly board meeting of the Big Bend Groundwater Management District #5 was held at the District office in Stafford on Thursday, January 11, 2018. Board members present were Darrell Wood, John Janssen, Fred Grunder, Tom Taylor, Kent Lamb, Bob Standish, Phil Martin, and Justin Gatz. Board member Jerry Cullop was not present. District staff present was Orrin Feril. Guests present were Jeff Lanterman, Richard Wenstrom, Berry Bortz, Leland Higbie, Zoe Gehr and John Donley (phone).

The January regular board meeting was called to order at 10:00 a.m. by Darrell Wood.

Two items were added to the agenda by Darrell Wood; 15a) Executive session for personnel matters relating to non-elected personnel, and a discussion with John Donley at 10:30am.

Bob Standish moved and John Janssen seconded to approve the December minutes as presented. Motion carried 6-0-1.

Bob Standish moved and Phil Martin seconded to accept the January treasurer's report as presented. Following discussion, the motion carried 6-0-1.

Orrin Feril presented the audit engagement letter from VonFeldt, Bauer, & VonFeldt, Chartered for review by the board. Tom Taylor moved and Phil Martin seconded to accept the engagement letter in order to conduct the District's financial audit. Motion carried 6-0-1.

Justin Gatz arrived at the meeting at 10:05 a.m.

In October 2017, the District board by formal motion agreed to accept the purchase proposal for the land immediately surrounding the observation wells for water quality site number 38 and enter into a purchase agreement according to the terms of the proposal. The board directed Mr. Feril to work through the details of the agreement with the landowner. Mr. Feril presented the board with a draft purchase agreement and warranty deed as prepared by S. Eric Steinle, Martindell Swearer Shaffer Ridenour LLP. Following a discussion regarding the next steps in the process, Phil Martin moved and Bob Standish seconded to approve the purchase agreement and to authorize Mr. Feril to sign the agreement and any necessary documents to close the transaction on behalf of the District. Motion carried 7-0-1.

Manager Feril presented a draft 2019 budget for the board's review and discussion. The draft budget will be reviewed again at the February board meeting before being presented to the public for review at the annual meeting. It was the consensus of the board to review the budget further keeping in mind potential increased costs the District would incur in coming years. Specifically, several members of the board were concerned with the potential need for additional staff in the future. No further action was taken by the board.

John Donley, Devine Donley and Murray LLC, joined the meeting via phone at 10:30 am to provide an update to the board and public relating to the legislative activities in Topeka. There are several bills that have been introduced into this session that warrant the water community's attention. The board requested that Mr. Donley be available to provide a brief update to the public at the annual meeting on the latest legislative activity.

Orrin Feril discussed staff activities for the past month and upcoming months. The District participates in a Groundwater Management District roundtable event and Legislative reception every year in Topeka. Mr. Feril requested, by show of hands, which of the board were planning on attending the events in Topeka. The annual meeting draft agenda was presented to the board for review.

Orrin Feril and the LEMA committee provided a brief update on the current status of the Rattlesnake Creek LEMA. The LEMA committee heard several concerns about the current concept of end gun removal and specifically the timeline for their removal in 2018. It is the intent of the committee to have more information available at the annual meeting for review and feedback from the public. The public present encouraged the LEMA committee to continue this process and provide a good overview of the LEMA process at the annual meeting.

Jeff Lanterman, representing KDA-DWR, stated that KDA staff is wrapping up the measurements of the cooperative well network. So far, these measurements are mixed between water level rises and declines throughout the area.

Vin Kissick provided an update on the KWA activities to the board. The KWA members recently had the opportunity to visit several legislators to express the importance of water and water project funding. The KWA members indicated that the reception was generally welcoming and open to listening to the concerns of the water community.

Berry Bortz, representing the Great Bend Prairie RAC, provided an update to the board. Mr. Bortz expressed the urgency at the federal level for revising water programs since the Farm Bill is being revised currently. Mr. Bortz asked what is District's goal for incentive programs, specifically what is the level of need for the programs and therefore the level of funding needed to compensate appropriately. The board did not have this information immediately available, but is actively working to determine this answer.

Richard Wenstrom, representing WaterPACK, highlighted the activities that WaterPACK is planning for February 12. There will be a seminar in the afternoon that will be followed up by their annual meeting at 6:00 pm. All were encouraged to attend.

Justin Gatz made the following motion at 11:30 am: "I move that the Board go into executive session to discuss confidential employee information as it relates to an individual employee pursuant to the non-elected personnel exception under KOMA, and the open meeting will resume here in the meeting room at 11:45 am." Bob Standish seconded. Motion carried 7-0-1. The board came out of executive session at 11:45 a.m.

In other business, the personnel policy relating to work hours and pay periods was reviewed. Justin Gatz moved John Janssen seconded that Policy E of the personnel policy be amended to reflect to changes: 1) Modify the pay day for staff to the fifteenth and last day of each month, and 2) Paychecks will be distributed via direct deposit into the appropriate account as prescribed by each employee. Following a brief discussion of the implications of these changes, motion carried 7-0-1.

The next District board meeting was tentatively set for February 15, 2018 at 1:00 p.m.

With no further items to discuss the board adjourned at 11:50 a.m.

Attest by:  Dated 2/15/18  
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RESOLUTION NO. 2018-2

RESOLVED, that the Big Bend Groundwater Management District No. 5, a body politic and corporate organized and existing under the K.S.A. 82a-1020 et seq. and the laws of the State of Kansas ("GMD5") hereby authorizes the purchase of that certain parcel of real estate together with all improvements thereon all as more fully contemplated by that Real Estate Sale and Purchase Contract by and between GMD5 and Terry E. and Cindy A. Studer, (the "Agreement") attached hereto as Exhibit A and made a part hereof as if more fully set forth herein;

RESOLVED, that the terms of the Agreement attached hereto as Exhibit A, and any written amendments, are hereby approved and ratified; and

RESOLVED, that the Manager GMD5, Orrin Feril, is authorized and directed to execute any and all documents necessary or reasonably required to complete the transaction contemplated by this Resolution and the Agreement and any amendments thereto.

SECRETARY'S CERTIFICATE

The undersigned hereby certifies that he is the duly appointed, qualified and acting Secretary of the Big Bend Groundwater Management District No. 5, a body politic and corporate organized and existing under the K.S.A. 82a-1020 et seq. and the laws of the State of Kansas ("GMD5") and hereby further certifies for and on behalf of GMD5 and not in his individual capacity that:

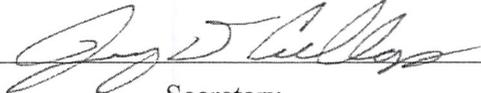
1. Above is a true, correct and complete copy of the resolution of the "GMD5," authorizing the execution, delivery and performance of the Real Estate Sale and Purchase Contract by and between GMD5 and Terry E. and Cindy A. Studer, (the "Agreement") attached hereto as Exhibit A.

2. The name and title and signature of the officer authorized to act on behalf of GMD5 is:

Name	Title	Signature
Orrin Feril	Manager	

IN WITNESS WHEREOF, the undersigned has executed this Secretary's Certificate as of the date first set forth above

Big Bend Groundwater Management District No. 5, a body politic and corporate organized and existing under the K.S.A. 82a-1020 et seq. and the laws of the State of Kansas

  
Secretary

**SCANNED**