

MINUTES – DECEMBER 15, 2022
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, Kansas on Thursday December 15, 2022. Board members present were Darrell Wood, John Janssen, Marlyn Spare, Kerry Froetschner, Tom Taylor, Fred Grunder, Craig Zwick, and Gary Hornbaker. Board member Phil Martin was not present. District staffs present were Orrin Feril and Devan Cooper. Guest present was Jeff Lanterman. Guests present via Zoom were Toby Dougherty and Collin Bielser.

The December regular board meeting was called to order at 2:00 p.m. by Darrell Wood.

A review of multiple MYFA applications was added to the agenda as item 5a. Additionally, agenda item 6 was removed from the agenda.

Kerry Froetschner moved, and Marlyn Spare seconded to approve the November minutes as presented. Motion carried 8-0.

Orrin Feril provided the board and public with the December treasurer's report and highlighted the unique items for further board review. Marlyn Spare requested that the CD rates be reviewed for possible better rates. Craig Zwick moved, and Tom Taylor seconded to accept the December treasurer's report as presented. Motion carried 8-0.

Marlyn Spare moved, and John Janssen seconded to revise Resolution 2022-2 to reflect the board meeting's date more accurately. Motion carried 8-0.

RESOLUTION NO. 2022-2

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2022 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Big Bend Groundwater Management District No. 5 and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) (as amended) for the year ended 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Big Bend Groundwater Management District No. 5, Stafford, Kansas, in the regular meeting duly assembled this 15th day of December 2022 that the Board of Directors waives the requirements of K.S.A. 75-1120a(a) (as amended) as they apply to the Big Bend Groundwater Management District No. 5 for the year ended 2022.

BE IT FURTHER RESOLVED THAT THE Board of Directors shall cause the financial statements and financial reports of the Big Bend Groundwater Management District No. 5 to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Marlyn Spare moved, and John Janssen seconded to adopt Resolution 2022-2 to conduct the 2022 audit using the cash basis and budget laws of Kansas. Motion carried 8-0.

The District received an application for a multi-year flex account term permit (20217026-MF) utilizing K.A.R. 5-25-21 in Reno county for five years. As presented, the application does not meet the requirements per K.A.R. 5-25-21 (b)(5) that requires the water user to remove the end gun for the full 5-year term. Per discussion with KDA–DWR staff, the preferred method is to allow water users to choose 1/5 of the allocation calculated using K.S.A. 82a-736 (c)(D)(i) or K.S.A. 82a-736 (c)(D)(ii) whichever is greater for the calendar year in which the end gun was still installed plus 4/5 of the allocation calculated using K.A.R. 5-25-21. Following thorough discussion with the board and KDA–DWR staff, Tom Taylor moved and Kerry Froetschner seconded to recommend a waiver of K.A.R. 5-25-21(b)(5) to allow the water users to choose 1/5 of the allocation calculated using K.S.A. 82a-736 (c)(D)(i) or K.S.A. 82a-736 (c)(D)(ii) whichever is greater for the calendar year in which the end gun was still installed plus 4/5 of the allocation calculated using K.A.R. 5-25-21 while the District is working to revise K.A.R. 5-25-13 and K.A.R. 5-25-21 in coordination with KDA–DWR. Motion carried 7-0-1 (Gary Hornbaker abstaining).

The District has received eight additional multi-year flex account term permit applications (20227181-MF, 20227338-MF, 20227319-MF, 20227193-MF, 20227284-MF, 20227223-MF, 20227285-MF, 20227221-MF) that are similar in nature to 20217026-MF. With the recommendation provided for 20217026-MF, these applications now can be processed by District staff.

The board reviewed potential revisions to K.A.R. 5-25-13 and K.A.R. 5-25-21 to reflect the waiver recommendations provided by the board so that future waivers are not necessary. Specifically addressing the calculation of the MYFA allocation when the water uses water within the term with an end gun installed, looking to not penalize voluntary efforts to remove end guns previously through programs, and re-enrollment into the MYFA program. These revisions will be reviewed again at the January 2023 board meeting.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The District’s management program was provided to all in attendance. The board was encouraged to review the management program to determine if revisions are necessary before reaffirming the management program in January 2023. District staff will work to update pertinent figures and have those ready for review in January. The upcoming legislative reception in Topeka was noted and the board were encouraged to let Devan know soon if they were interested in attending so travel plans could be arranged. A brief update on the status of the Watershed Plan-EA and projected completion timeline was provided to the board and public.

Jeff Lanterman, KDA–DWR, reminded those in attendance that the deadline for MYFA application is December 31 and his office is processing several of these applications. Orrin Feril noted a substantial action at the KWA meeting in Colby. The KWA voted to “halt the decline of the Ogallala Aquifer”. There was no mention in the meeting of a plan of action to achieve this which was an item of concern for the residents of the area.

Fred Grunder made the following motion at 3:00 p.m.: “I move that the board go into executive session for 30 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to conduct performance reviews, and the open meeting will resume here in the meeting room at 3:30 p.m.” Kerry Froetschner seconded. Motion carried 8-0. The board came out of executive session at 3:30 p.m.

Fred Grunder made the following motion at 3:30 p.m.: "I move that the board go into executive session for 15 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to conduct performance reviews, and the open meeting will resume here in the meeting room at 3:45 p.m." John Janssen seconded. Motion carried 8-0. The board came out of executive session at 3:45 p.m.

Craig Zwick made the following motion at 3:45 p.m.: "I move that the board go into executive session for 5 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to conduct performance reviews, and the open meeting will resume here in the meeting room at 3:50 p.m." John Janssen seconded. Motion carried 8-0. The board came out of executive session at 3:50 p.m.

Gary Hornbaker made the following motion at 3:50 p.m.: "I move that the board go into executive session for 5 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA to conduct performance reviews, and the open meeting will resume here in the meeting room at 3:55 p.m." Tom Taylor seconded. Motion carried 8-0. The board came out of executive session at 3:55 p.m.

In other business, Marlyn Spare moved, and Gary Hornbaker seconded to increase the manager's salary to \$105,000 effective January 1, 2023 and arrange for additional leadership training. Motion carried 8-0.

Craig Zwick moved, and Fred Grunder seconded to accept the manager's recommendations for salary changes for District staff effective January 1, 2023. Motion carried 8-0.

In other business, Darrell Wood asked the board members to serve on a finance subcommittee for the board. Kerry Froetschner, Marlyn Spare, and Fred Grunder will serve on this subcommittee to assist with researching better interest rates for the CD's.

The next District board meeting was tentatively set for January 12, 2023, at 9:00 a.m. at the District office.

With no further items to discuss the board adjourned at 4:05 p.m.

Attest by:  _____ Dated 1-12-23 _____