

MINUTES – FEBRUARY 16, 2023
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 February 16, 2023. 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 John Hildebrand. Guests present were Jeff Lanterman, Leah Chadd, Aaron Koehn, and Justin Vosburgh. Guests present via Zoom were Toby Dougherty, Jeff Crispin, Lisa Moore, Wendee Grady, Sarah Crawley, Lynn Preheim, and Aimee Davenport.

The February regular board meeting was called to order at 1:00 p.m. by Darrell Wood.

John Janssen moved, and Marlyn Spare seconded to approve the January minutes as presented. Motion carried 7-0.

Orrin Feril provided the board and public with the February treasurer's report and highlighted the unique items for further board review. Craig Zwick moved, and Gary Hornbaker seconded to accept the February treasurer's report as presented. Motion carried 7-0.

Fred Grunder arrived in the meeting at approximately 1:05 p.m.

Craig Zwick moved, and Tom Taylor seconded at 1:07 p.m. that the Board go into executive session for legal advice regarding on the status of the USFWS discussion with an attorney for the public body and District manager which would be deemed privileged in the attorney-client relationship pursuant to the attorney consultation exception under KOMA, and the open meeting will resume in the meeting room at 1:37 p.m. Motion carried 8-0. The board came out of executive session at 1:37 p.m.

Following brief discussion regarding a response to the request to secure received from USFWS, Marlyn Spare moved, and Gary Hornbaker seconded to have Stinson LLP draft a response letter for review by the Rattlesnake Creek subcommittee prior to being sent to the Chief Engineer, congressional delegation, and pertinent agencies as soon as it is available. Motion carried 8-0.

Aaron Koehn, VonFeldt, Bauer, & VonFeldt, Chartered, presented the audit report to the board for fiscal year 2022. A few questions were answered before John Janssen moved, and Kerry Froetschner seconded to accept the audit report as presented. Motion carried 8-0.

The board reviewed the draft 2024 budget and financial report in preparation for discussion with the public at the annual meeting. The board noted the prospective interest earned in the proposed budget column was too small after considering the recent changes the District made in where the District finances are being held. The proposed FY2024 budget will be presented at the budget hearing that is held in July.

Recently, KDA–DWR has supplied the District with proposed regulation changes to K.A.R. 5-1-7 through 5-1-12 relating to water flowmeters. The board reviewed each of the regulations with help of Jeff Lanterman to better understand the proposed changes. No action was taken by the board.

KDA–DWR also provided the District with K.A.R. 5-5-7 regarding change applications over 2640 feet. The District board had significant concerns with the proposed language as it appears to be

contradictive to the goals the District has for movements of water from within Rattlesnake Creek to other regions. Additionally, the limitations this regulation draft would have on municipalities and areas that have water quality concerns are also of concern to the District board. No action was taken by the board.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. A brief legislative update was provided to the board regarding water in the Kansas statehouse. Vanessa Marks was introduced as the District's new Administrative Assistant. All present were encouraged to meet Vanessa and get to know her. Finally, recently, the District received a copy of a Request to Secure water from USFWS to KDA-DWR relating to Quivira NWR. At this point, the Chief Engineer has not indicated the next step in the process.

Jeff Lanterman, KDA-DWR, noted that the field office is busy collecting water use reports from area water users. Sara Crawley, KWO, stated the KWA is currently working to implement the recently revised State Water Plan. It was noted that WaterPACK would be holding their annual meeting at 4:30 p.m. in St John on February 20.

Craig Zwick made the following motion at 2:40 p.m.: "I move that the board go into executive session for 20 minutes for the purpose of discussion of personnel matters of non-elected personnel exception under KOMA on matters related to potential job descriptions with the District, and the open meeting will resume here in the meeting room at 3:00 p.m." Tom Taylor seconded. Motion carried 8-0. The board came out of executive session at 3:00 p.m.

John Janssen made the following motion at 3:00 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 on matters related to potential job descriptions with the District, and the open meeting will resume here in the meeting room at 3:05 p.m." Tom Taylor seconded. Motion carried 8-0. The board came out of executive session at 3:05 p.m.

In other business, the Craig Zwick moved, and John Janssen seconded to have Darrell Wood appoint a 2-3 person personnel subcommittee to assist the Manager in drafting a job description and job search for a new position. Motion carried 8-0.

Darrell Wood appointed Fred Grunder, Craig Zwick, and Gary Hornbaker to serve on this subcommittee.

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

With no further items to discuss the board adjourned at 3:10 p.m.

Attest by:  Dated 4-13-23