

Minutes: Northwest Kansas Groundwater Management District 4 August 2nd, 2018 Board Meeting

1. OPEN MEETING, ATTENDANCE AND AGENDA

The August 2nd board meeting was opened at the GMD 4 office in Colby, Kansas by President, Brent Rogers

Board members present for some or all of the meeting were:

Brent Rogers, Jeff Deeds, Scott Maurath, Karen Flanagin, Nate Emig, Roger Zweygardt, Shane Mann, Lynn Goossen, Monty Biggs, and Ted Nighswonger

Board members absent: Mitchell Baalman,

Others present for some or all of the meeting were: Ray Luhman, Shannon Kenyon, Jody McCain and Dan Simmering – GMD 4 staff; Adam Dees – GMD 4 attorney; Kelly Stewart – DWR; Armando Zarco – KWO; and Dwayne Kersenbrock.

Adjustments to the agenda were to add Server Upgrade and Voter Eligibility to New Business.

2. CONSENT AGENDA

Brent Rogers asked if there were any concerns over the consent agenda, consisting of the June 7th, 2018 Minutes and the June & July Expenditures. An updated Recommendation Report was distributed. Receipt of the June & July financial report was distributed showing monthly expenditures totaling \$32,498.33 in June and \$41,739.57 in July were approved.

Scott Maurath moved the minutes for June and expenditures for June and July be accepted. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no “nay” votes).

3. OPEN FORUM

Armando Zarco introduced himself as the new Water Resource Planner for the KWO stationed in Garden City.

Comment was made on GMD 1 developing a Wichita County LEMA. The LEMA would not go to a vote and has a tiered reduction schedule with flexibility.

4. MANAGER’S REPORT

Shannon Kenyon gave a LEMA presentation to the Kansas Society of Farm Managers and Rural Appraisers. The group had good questions and after discussion most agreed that the LEMA would increase land values.

With the upcoming fall newsletter to be published, article ideas were discussed. Instead of adding unneeded articles to fill space, the newsletter may be shortened but any information between newsletters that is needed should be mailed. Topics to be included in the fall newsletter are: a LEMA fact vs. myth, water level data, and an update on the LEMA litigation.

Ray Luhman gave an update on the current LEMA litigation. The Intervenors have filed in Gove County. KDA filed to dismiss their petition and the Intervenors filed an amended petition. They also filed notice with the Attorney General's Office alleging the LEMA is unconstitutional. Carpenter/Woofter have filed in Thomas County. They are asking for review of the appeal decision made by the board of directors. Oral arguments could be heard as early as October.

Ray Luhman also requested the board of directors to be thinking of ways priority could be incorporated into a new LEMA. If litigation determines priority has to be considered then the new plan can be implemented quickly.

5. UNFINISHED BUSINESS:

a. District LEMA

A list of producers requesting to be on the Advisory Committee was distributed. After discussion, several board members wished to contact others to fill vacant positions.

Jeff Deeds moved to table the discussion until contact could be made. The motion was seconded by Roger Zwegardt and passed unanimously by voice vote (no "nay" votes).

Following the model discussion Jeff Deeds moved to resume the Advisory Committee discussion. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no "nay" votes.)

The following were nominated:

Cheyenne: Dan Stephens

Gove: Tyler Remington nominated by Shane Mann

Sheridan: Mitchell Baalman & Dwayne Keresenbrock nominated by Brent Rogers

Sherman: Dave Rietcheck & Jace Mosbarger nominated by Nate Emig & Jeff

Deeds

Thomas: Bill Miller & Michael Juenemann nominated by Lynn Goossen & Karen Flanagin

Graham: Justin Ruder nominated by Ted Nighswonger

Rawlins: Nathan Franklin nominated by Brent Rogers

Logan: Dave Weiland nominated by Lynn Goossen

Karen Flanagan moved to accept the nominated committee. The motion was seconded by Monty Biggs and passed unanimously by voice vote (no “nay” votes.)

b. Model Discussion

Shannon Kenyon discussed the grant as applied for through Coca-Cola. A contract between KGS and GMD 4 had been drafted and needed approval from the board of directors.

Lynn Goossen moved to accept the contract between KGS and GMD 4. The motion was seconded by Nate Emig and passed unanimously by voice vote (no “nay” votes.)

6. NEW BUSINESS

a. PUBLIC HEARING ON PROPOSED BUDGET 2019

At 11:00 am Brent Rogers opened the Budget Hearing. There were members of the public present that gave no additional testimony. Staff provided testimony to the proposed budget.

Brent Rogers asked if there was any additional discussion regarding the 2019 GMD4 Operating Budget and there was none. *Lynn Goossen motioned to close the 2019 Budget Hearing. Roger Zwegardt seconded the motion which passed unanimously via voice vote (no “abstentions” or “nay” votes.)*

b. APPROVAL OF THE 2017 OPERATING BUDGET

Jeff Deeds motioned to approve the following resolution for the 2019 Budget:

WHEREAS the district membership during the 43rd Annual Meeting adopted the proposed 2019 operating budget of \$475,955 for consideration at a subsequent public hearing; and

WHEREAS the board scheduled, duly noticed and conducted a public hearing regarding the tentatively adopted, proposed 2019 operating budget on August 2, 2018; and

WHEREAS all testimony and public comment was duly considered;

BE IT THEREFORE RESOLVED THAT the 2019 operating budget for the Northwest Kansas Groundwater Management District No. 4 shall be approved for \$530,455 – as follows:

	2019 Final Assessed	
110 POSTAGE		\$5,000.00
111 Newsletter	\$3,000.00	

112 General	\$2,000.00	
120 PRINTING		\$2,800.00
121 Newsletter	\$2,200.00	
122 Administrative	\$600.00	
130 DUES	\$500.00	\$500.00
140 SUBSCRIPTIONS	\$3,700.00	\$3,700.00
150 INSURANCE		\$12,400.00
151 Office	\$12,000.00	
152 Public Officials' Liability		
153 Auto		
154 Workmans' Comp.		
155 Inland Marine		
156 Unemployment	\$400.00	
160 TELEPHONE	\$4,500.00	\$4,500.00
170 SALARIES AND BENEFITS		\$341,000.00
171 Gross Sal, Kpers, SS, Etc.	\$341,000.00	
172 Health Insurance		
180 TRAVEL		\$12,000.00
181 Board	\$10,000.00	
182 Staff	\$2,000.00	
190 VEHICLES		\$4,165.00
191 Repairs/Maintenance	\$1,600.00	
192 Operation	\$2,400.00	
193 Tags	\$165.00	
194 Purchase/Lease		
200 CONTRACTED SERVICES		\$108,700.00
201 Accounting	\$6,700.00	
202 Legal	\$40,000.00	
203 Misc. Support	\$47,000.00	
204 Legislative Support	\$15,000.00	
205 Drilling		
206 Weather Modification		
210 PUBLICATIONS		\$1,000.00
211 Legal Notices	\$1,000.00	
220 COOP PROGRAMS		\$2,000.00
221 Administrative		
222 Equipment		
223 Contracted Studies		
224 Education Program	\$2,000.00	
230 ADMINISTRATIVE		\$6,850.00
231 Office Supplies	\$2,500.00	
232 Copy Machine	\$1,200.00	

233 Computer Maint	\$1,000.00	
234 Postage Meter Lease	\$650.00	
235 Bank Charges		
236 Field Supplies	\$1,500.00	
240 NEW EQUIPMENT		\$4,000.00
241 Field	\$1,000.00	
242 Office	\$3,000.00	
250 CONTINGENCY RESERVE		\$0.00
260 FACILITY		\$21,840.00
261 Rent	\$840.00	
262 Maintenance	\$14,000.00	
263 Remodel/Purchase		
264 Building Utilities	\$7,000.00	
REIMBURSED EXPENSES		
300 FOUNDATION		\$0.00
305 Foundation Subscriptions		
325 Foundation Telephone		
345 Foundation Accounting		
350 Foundation Legal		
370 Foundation Tech Support		
	\$530,455.00	\$530,455.00

WHEREAS KSA 82a-1030 requires that a land assessment and/or water user charge be levied in order to fund the approved budget; and

WHEREAS there exists as of August 2, 2018 2,856,631 acres of land eligible for assessment and 847,424 acrefeet of water eligible for the water user charge for the 2019 operating budget; and

WHEREAS after due consideration of all testimony it is the board's decision that a 2019 budget of \$530,455 should be provided assessment support;

BE IT THEREFORE RESOLVED THAT the land assessment and water user charge for the 2019 operating budget shall be set at:

*\$.05 per acre of assessable land; and
\$.465 per assessable acrefoot of water.*

Roger Zweygardt seconded the motion which passed via voice vote with Shane Mann and Karen Flanagan voting opposed.

c. Non-Discrimination Policy

In order to apply for grants the district needs to adopt the following non-discrimination policy:

The Northwest Kansas Groundwater Management District #4 does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, clients, volunteers, subcontractors, and vendors.

Shane Mann moved to adopt the non-discrimination policy. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no “nay” votes.)

d. Server Upgrade

The server is in need of an upgrade. Dan Simmering informed the board of directors that a new server would cost \$4,000 - \$5,000. After discussion on the needed storage space it was also suggested to investigate cloud storage instead of purchasing a new server.

e. Voter Eligibility

After the last annual meeting confusion was had on the specifics of voter eligibility and protocol. An Attorney General’s decision was passed to the board for interpretation. Other discussion was had on how other groundwater management districts conduct their elections with requiring written documentation prior to the annual meeting, pre-filed nominations, and no nominations from the floor. The board of directors is to consider the suggestions for the next meeting.

7. Agency Reports

Kelly Stewart reported there was not much going on at DWR. The MYFA deadline has been extended to December 31st. The Chief Engineer approved the McCarty Dairy WCA on Tuesday. His office is wrapping up the 2017 over-pumpers and some penalty orders are being issued. Those over-pumpers that have reached the penalty phase are offered a settlement conference. He mentioned that the City of Goodland is in the penalty phase.

Armando Zarco with the Kansas Water Office informed the board that field days will be held for all 10 of the Water Technology Farms in August. There are several in conjunction with Northwest Technical College that will be held on August 29th. He also noted that the KWA will meet on August 23rd in Manhattan.

8. OPEN SESSION-Public Questions/Comments:

No comments received.

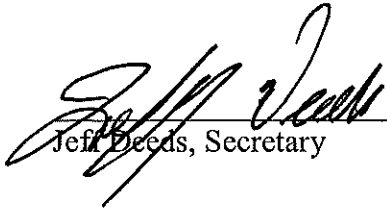
9. Scheduling Future Meetings:

A board meeting was scheduled for September 13th at 9 am.

10. ADJOURNMENT

With no other business and no objections, Monty Biggs moved to adjourn the meeting. The motion was seconded by Ted Nighswonger and passed unanimously by voice vote (no "nay" votes).

Respectfully submitted:



Jeff Deeds, Secretary

