

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, September 13, 2022 at 9:00 AM
Curtis, Nebraska

Board Members Present: Brad Randel, Joe Anderjaska, Daniel Nelsen, Benjie Loomis, Tracy Zink, Rick McConville, Shane Rippen, Travis Rousselle, Dan Estermann, Jolene Messinger

Board Members Absent: Jay Schilling

NRD Staff: Jack Russell, Alex Boyce, Sylvia Johnson and Stacie Owens

NRCS Staff: Jason Kennedy

Others: William M. Barger, Josh Friesen

Information Posted to Directors I-Pads:

Agenda – Budget Hearing, Special Hearing, Regular Meeting
August Meeting Minutes Miller Penalty Hearing Minutes
Miller Special Meeting Minutes Hauxwell Penalty Hearing Minutes
Hauxwell Special Meeting Minutes Financials
Civil Rights Handout Surface Water Report
Draft Rules and Regulations

Information Distributed at Meeting:

None

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Zink at 9:14 a.m.
 - a. Verify Quorum.
 - b. Excused Absences.

♦ Anderjaska moved to excuse the absence of Schilling due to attendance at the Nebraska State Irrigation Association meeting. Seconded by Nelsen.
Ayes – 10 Nays – 0 Motion Carried

2. The agenda and roster were circulated to those present.

3. Notice of the regular monthly meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette** and was posted at the **MRNRD Office** and on the District website at **www.mrnrd.org**. As a courtesy it was also provided to local radio stations. Guests should also note the location of a current copy of the statutes dealing with public meetings and the booklet with the information provided to directors.

4. The Minutes for the Regular Board Meeting, Miller Penalty Hearing and Special Meeting; and, Hauxwell Penalty Hearing and Special Meeting were posted to the Directors iPads.

♦ Anderjaska moved to approve the minutes of Regular Board Meeting, Miller Penalty Hearing and Special Meeting; and, Hauxwell Penalty Hearing and Special Meeting with corrections. Seconded by Loomis.
Ayes – 10 Nays – 0 Motion Carried

5. FINANCIAL ACTIONS

A. The Financial Report was presented by Russell. The taxes received were \$32,131.71.

- ◆ Anderjaska moved to approve the Financial Report. Seconded by Loomis.
Ayes – 10 Nays – 0 Motion Carried

A copy of this report is filed with the Minutes.

B. Approve Budget.

- ◆ Anderjaska moved to approve the budget and set the tax request as presented and occupation tax at \$10/acre. Seconded by Rousselle.
Ayes – 10 Nays – 0 Motion Carried

6. OPEN FORUM

William M. Barger, Culbertson. Had questions related to water in the canal by his house and Hauxwell lawsuit.

Josh Friesen, Wallace. Thanked the Board for being flexible in their rules by providing carry-over and pooling in order to provide the tools to manage properties in these types of drought circumstances.

7. MANAGER'S REPORT

A. Rules and Regulations. Russell went over the couple of items that seem to be the most controversial. Extensive discussion held.

- ◆ Anderjaska moved to remove Chapter 6 Pooling from the rules and regulations.
Failed for lack of a second.

Further discussion held.

- ◆ Loomis moved to take the rules and regulations to public hearing as present on October 11, 2022 at 9 AM. Seconded by Anderjaska.
Ayes – 10 Nays – 0 Motion Carried

Russell reported that he and Boyce met with the McCook Ballfield people and found that the City of McCook would be supplying the water that location.

Johnson is working on getting signs for Wellfleet now.

8. COMMITTEE REPORTS

- A.** Groundwater Committee.
- B.** Programs and Personnel Committee.

9. NRCS

Kennedy reported on the CRP contracts.

10. NARD

- A.** NRD Annual Conference, September 26-27, Kearney.

11. N-CORPE

None

12. LEGAL MATTERS

Discuss under executive session.

13. EXECUTIVE SESSION

A. Legal Matters – Potential Litigation.

- ◆ Rousselle moved to enter into executive session to discuss potential litigation with Manager and staff. Seconded by Rippen.
Ayes -10 Nays – 0 Motion Carried

Chairman Zink restated, for the record, the limitation of the subject matter of the closed session.

Entered at 11:10 a.m.

- ◆ Randel moved to exit the executive session. Seconded by Loomis.
Ayes - 10 Nays – 0 Motion Carried

Exited at 11:26 a.m.

Chairman Zink reminded everyone that entered into executive session that the discussions held within that timeframe were private and should not be discussed.

- ◆ Anderjaska moved to issue a Cease and Desist to Cappel until he gets all his decommissioning wells agreed upon in 2018, or similar thereto, completed at the MRNRD and DNR. Seconded by Randel.
- ◆ McConville moved to amend the motion to include Cappel repaying the cost share for the wells he was paid to decommission that he didn't decommission. Seconded by Anderjaska.
Ayes - 8 Nays – Estermann, Rippen Motion Carried
- ◆ Anderjaska moved to issue a Cease and Desist to Cappel until he gets all his decommissioning wells agreed upon in 2018, or similar thereto, completed at the MRNRD and DNR. Seconded by Randel.
Ayes - 10 Nays – 0 Motion Carried
- ◆ Rippen moved to accept payment for late permits. Seconded by McConville.
Ayes - 8 Nays – Anderjaska, McConville Motion Carried

The next Regular Board Meeting will be held Tuesday, October 11, 2022 at 9:00 a.m. at the Middle Republican NRD Office in Curtis, Nebraska.

The meeting was adjourned at 11:52 a.m.

Stacie M. Owens, Board Secretary