

**Upper Republican Natural Resources District  
Board of Directors Special Meeting  
June 16, 2010 at 2:00 p.m.  
511 East 5<sup>th</sup> Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

**Board Members Present:** Kerry Bernhardt, Tom Gaschler, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Tom Schroder, Mick Strand, Tom Terryberry and Jeff Wallin.  
**NRD Staff:** Jasper Fanning, Dirk Dinnel and Deb Hayes.

**NRD Legal Counsel:** Joel Burke.

**Others present:** Loren Jessen, Keenan Kitt, Tina Kitt, Neil Connot, Shannon O'Neil, Bruce Kramer, Lloyd Meeske, Brad Johnson and Russ Pankonin.

**Information mailed to Directors:**

Agenda

**Information distributed at Board meeting:**

Agenda

Chairman Pelster called the meeting to order at 2:00 p.m.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

**INTRODUCTIONS:**

Guests, Board members and NRD staff were introduced.

**OPEN COMMENT PERIOD:**

There were no comments during the open comment period.

**GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:**

Chairman Pelster stated that the purpose of this meeting is for a hearing for the Board to review the information that has been compiled by the staff. Chairman Pelster appointed Joel Burke as the Hearing Officer.

Joel stated that the purpose of this hearing is to present the conclusions that the Staff has reached from their investigation of the alleged violations. It also gives the Respondent the opportunity to respond to the alleged allegations. The Public Meetings Act provides that the Board could go into Executive Session if there is a public interest that needs protected or for the protection of any needless injury to the alleged individual unless that individual request a public hearing.

Mr. Kramer stated he would like to go into closed session with the Board. Mr. Kramer is also the representative for Jack Bond.

- Terryberry moved to go into executive session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional staff and Mr. Kramer representing himself and also as Jack Bond's representative. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

Russ Pankonin asked for clarification for the Executive session. Joel stated that Mr. Kramer has the right for protection and the prevention of needless injury to the alleged individual or individuals' reputation.

The Board went into Executive Session at 2:10 p.m.

Board Member Jeff Wallin arrived at 2:13 p.m. and joined the Executive Session.

- Martin moved to come out of Executive Session at 2:52 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Keenan and Tina Kitt were asked if they would like their hearing in Executive Session. Mr. Kitt requested the Executive Session.

- Martin moved to go into Executive Session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional Staff and Keenan and Tina Kitt present. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

The Board went into Executive Session at 2:56 p.m.

Martin moved to come out of Executive Session at 3:20 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Curtis Johnson requested his hearing in Executive Session.

- Martin moved to go into Executive Session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional Staff and Curtis Johnson present. Seconded by Strand.

Roll call vote: 11-yes. Motion carried

The Board went into Executive Session at 3:23 p.m.

- Martin moved to come out of Executive Session at 3:44 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Jasper reviewed Rule #14 with the Board and how the penalty and adjudicatory process works. Some individuals have not received the Cease and Desist Orders or had sufficient time to be able to attend this meeting. They are given 10 days to respond to the orders. The Board has the ability to impose penalties on all violations including those in cease and desist orders that have been issued. Any individual that does not agree with the penalties and would like to appeal to the Board it's decision on any penalties has the right to request an adjudicatory hearing with the Board to review those decisions.

Chairman Pelster called a 10 minutes recess at 4:00 p.m.

Chairman Pelster called the meeting back in session at 4:14 p.m.

Chairman Pelster reviewed the General Enforcement Provisions of the Rules and Regulations. The Board discussed the alleged violations and possible sanctions for these violations.

- Martin moved that the Board finds the alleged violations in CAD 2010-02 are true and as sanctions for the violation the Board finds that the certified acres, allocation and carryforward be removed from the property effective June 16, 2010. Seconded by Mosel.

Discussion.

- Large moved to amend the main motion to add a 5 year limitation and then landowner can reapply and possibly have items reinstated by the Board and items would fall under those current Rules and Regulations. Seconded by Schilke.

Discussion.

- Martin moved to table the amendment until a Special meeting can be convened. Seconded by Schroder.

Roll call vote: 11-yes. Motion carried.

Chairman Pelster called a Special Board meeting for Tuesday, June 21, 2010 at 2:00 p.m.

Chairman Pelster adjourned the meeting at 5:45 P.M.

Respectfully submitted

Tom Terryberry  
Secretary/Treasurer