




LOWER PLATTE SOUTH natural resources district

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Memorandum

Date: January 21, 2023
To: Each Director
From: Paul D. Zillig, General Manager
Subject: Executive Subcommittee Meeting Minutes



The Executive Subcommittee met at 12:30pm on Tuesday, January 17, 2023 in the NRD Large Conference Room. Directors in attendance were Deborah Eagan, David Landis, Bob Andersen, Luke Peterson, and Larry Ruth. Others attending included Todd & Tammy Magee, Corey Wasserburger, Steve Seglin, Craig Matulka, Dave Potter and myself.

Chair Eagan called the meeting to order at 12:35 pm and welcomed those in attendance. Eagan noted the Open Meetings Law is posted in the room, everyone should silence their cell phones, and that carrying concealed weapons in the Board Room or on District property is prohibited. Five Directors were present upon roll call.

Eagan reported that the legal notice for the Executive Subcommittee was published in the Lincoln Journal Star on Wednesday, January 4, 2023. The notice was required due to the Subcommittee planning to take formal action as delegated by the Board of Directors.

It was moved by Andersen, seconded by Landis to adopt the agenda (attached). This motion was unanimously approved 5-0.

The next item on the agenda was to consider authorizing the District to enter into a Real Estate License Agreement (attached) with Todd & Tammy Magee (primary landowner of the Magee Dam). The Magee's are utilizing a portion of the NRD's easement area at the Magee Dam for purposes prohibited in the easement (easement prohibits structures and fill material). An aerial showing several greenhouses and some fill material that has been placed in the easement area was discussed and is attached. I reported that this use at this location did not interfere with the operation of the dam or the flood control benefits. I reviewed the basic "Real Estate License Agreement" that has been utilized by the District in the past and explained that the agreement acknowledges the use, allows the use to continue temporarily as long as the District's liability is limited, the District can terminate the agreement, permanent utilities are not allowed, the landowners indemnify the District, and they obtain liability insurance.

Andersen reported that he visited the site with NRD staff and legal counsel and noted that the easement area included more area than usual and the Magee's use of the area does not impact the operation of the dam. He noted that in the future the District might need to utilize the area and, under the agreement, the landowner would remove the greenhouses or fill if required to do so.

The Subcommittee further discussed the situation with the Magees. It was moved by Andersen, seconded by Landis, and unanimously approved by the Subcommittee to **authorize the General Manager to enter into a Real Estate License Agreement with Todd & Tammy Magee to address the greenhouses and fill material located in the easement area, pending legal counsel review and approval.**

There being no further business the meeting adjourned at 12:55 pm.

PDZ/pz

pc: Steve Seglin
Corey Wasserburger