




**LOWER PLATTE SOUTH**  
natural resources district

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## Memorandum

**Date:** December 12, 2022  
**To:** Each Director  
**From:** Paul D. Zillig, General Manager   
**Subject:** Executive Subcommittee Meeting Minutes

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The Executive Subcommittee met at 7:00pm on Wednesday, December 7, 2022 in the NRD Large Conference Room. Directors in attendance were Deborah Eagan, David Landis, Bob Andersen, Chelsea Johnson, Luke Peterson, and Larry Ruth. Others attending included Cory Richards and Brian Ritter of NIFCO Mechanical, Corey Wasserburger, Kristin Buntmeyer, Will Inselman, Dave Potter and myself.

Chair Eagan called the meeting to order and welcomed those in attendance.

The first item was to determine the process the Subcommittee would like to follow as the NRD considers a situation where a landowner encroaches on the NRD's easement for a flood control dam. In this case the project is the Magee Dam located just southwest of 120<sup>th</sup> & Yankee Hill Road (see attached map the area in question is circled). Todd Magee owns the property and has filled/levelled a small portion of the easement area and installed some green houses that extend onto the easement area, as part of his nursery business.

I reported that in 2018 the NRD Board authorized the Executive Subcommittee to approve license agreements for these types of situations, if they feel inclined to do so, or bring it back to the Board for any other authorization. A License Agreement allows for temporary infractions of the easement as long as the landowner agrees to remove the infraction if directed to do so by the NRD and also to hold the NRD harmless for any damages. For the Executive Subcommittee to take action concerning approval of a license agreement the NRD would first be required to advertise the Subcommittee Meeting, similar to the process for a Board Meeting, and hold the meeting according to the same process we follow for Board Meetings. Another option would be for the Board to authorize the General Manager to enter into License Agreements without Board approval.

The Executive Subcommittee directed staff to schedule, publicize, and hold an Executive Subcommittee in January for the purpose of considering approval of a License Agreement for the Magee Dam.

The next item was to consider a request from NIFCO Mechanical to utilize NRD property (Blue Heron Wetland Bank) that is bordered on both sides by NIFCO Mechanical property. The attached maps show the Blue Heron Wetland Bank property in relation to the NIFCO Properties and then the second map focused on both NIFCO properties and the NRD's access route/property to the NRD's Blue Heron Wetland Bank. Brian Ritter of NIFCO reported that they erroneously believed they owned the NRD's access route when they recently purchased the "west" property and began constructing an access across the NRD's access route. NIFCO requested approval to use a portion of this property (see attached letter).

The Subcommittee discussed the situation, their interest in looking into possibly allowing NIFCO some use of the NRD's access property, the understanding that the access route is part of the Blue Heron Wetland Bank and that the US Army Corps of Engineers would need to approve any changes to the property. The Subcommittee directed staff to look into possible options for further consideration.

The final item was to report that the Lincoln City Council will meet on Monday, December 12<sup>th</sup> to hear testimony on the proposed amendments to the Flood and Water Quality Protection Manual. The NRD will submit a letter of support and testify. City Council action on the amendments is scheduled for December 19<sup>th</sup>.

There being no further business the meeting adjourned at 7:50 pm.

PDZ/pz

pc: Steve Seglin  
Corey Wasserburger