




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

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 120th & 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 12th 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 19th.

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

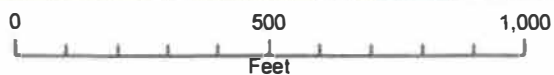
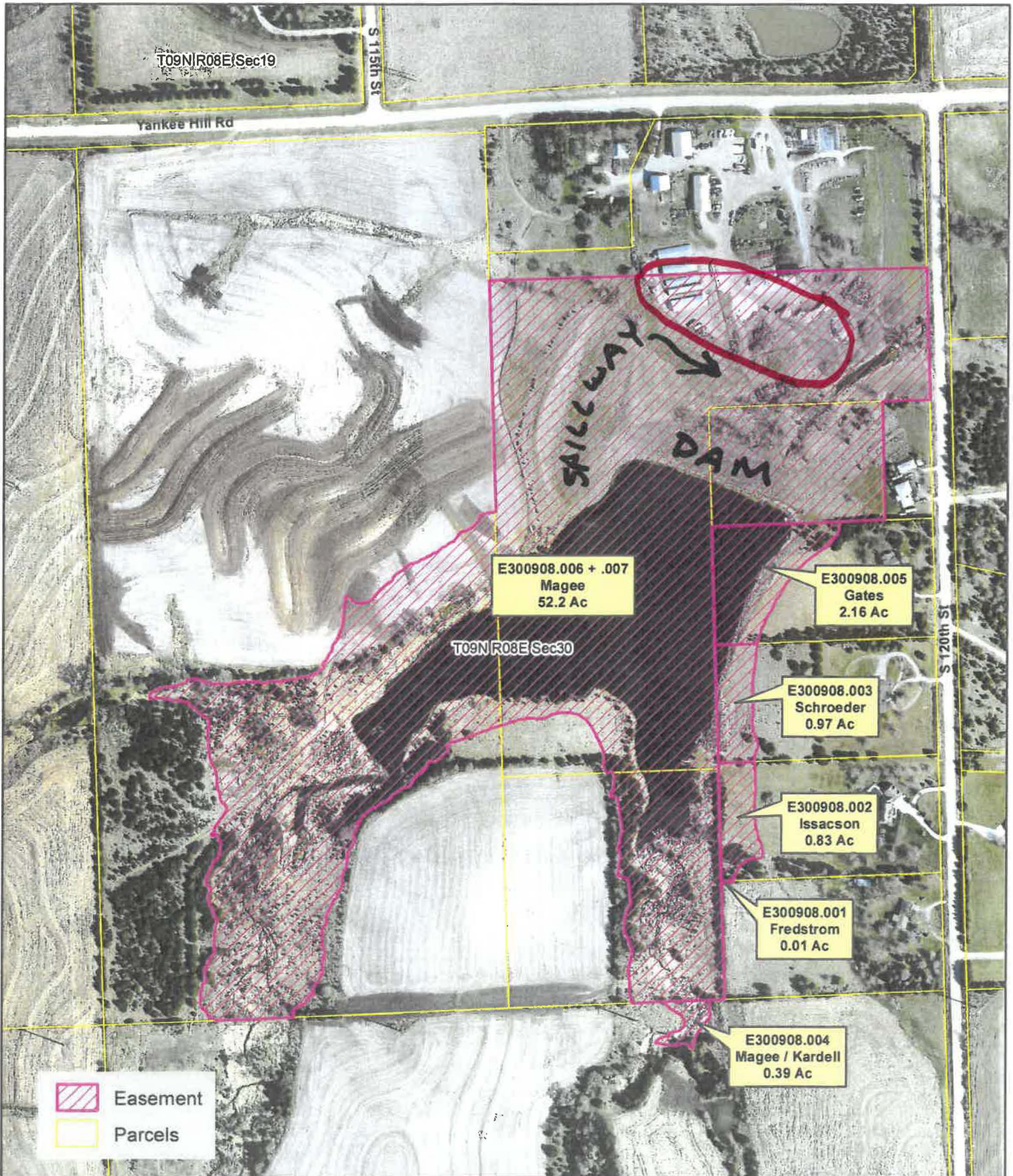
PDZ/pz

pc: Steve Seglin
Corey Wasserburger

*** NOTICE ***

This diagram is not filed with the easements at the Register of Deeds. The NRD has generated this diagram to show the location based on the legal descriptions provided in easement documents.

Magee Dam Easements - Sec 30, T9N-R8E



Map By: Lower Platte South NRD, sdr - December 2021



Printed: 12/11/2022

Map Scale
1: 4,514

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email assessor@lanaster.ne.gov and you will be directed to the appropriate department.



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NIFCO MECHANICAL SYSTEMS

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500 BLUE HERON DR. LINCOLN, NEBRASKA 68522 PH: 402-477-0666 FAX: 402-4772314

November 14, 2022

To: Mr. Paul Zillig & the Board of Directors for the Lower Platte South NRD

We have owned the property at 500 Blue Heron Drive since 2008. In February of 2022 we decided to purchase the property at 520 Blue Heron Drive directly west of our current building. We did this with the intention that we would add an overhead door on the back of the new building and pave between the two so we could have full and efficient drivable access from our back-parking lot directly into the new building.

We hired a general contractor to look at permitting and any possible green space requirements with the city and were told we were good to proceed. We began the dirt work to prepare for the storm drains/ concrete and then determined we should confirm with the city ourselves before we went further. This is when we were informed that the 35 feet between our two buildings was, in fact, not owned by us but by Lower Platte South NRD. We then found out that this small strip of land was originally intended as the public access to aid in the maintenance of the marshland to the north. (See attached property Listing)

We have happily maintained, mowed, fertilized and watered this small strip of land for the last 14 years believing that it was a part of our property and are happy to continue doing so with your approval to cross this land as we intended.

Additionally, we are asking for your approval to continue to maintain this land at our expense utilizing one of the following options. We believe all the options below would allow us to aide you in your mission to maintain a sustainable environment through the conservation of land, water and wildlife, each in their own way. We came up with each option with 3 specific goals in mind.

1. Ensure that water was properly diverted to the north to conserve this land as a wetland for the wildlife that use it as such
2. Ensure safe and effective public passage through this area to the wetland for its maintenance
3. Allow for safe crossing from 500 Blue Heron to 520 Blue Heron without disrupting goals 1 or 2

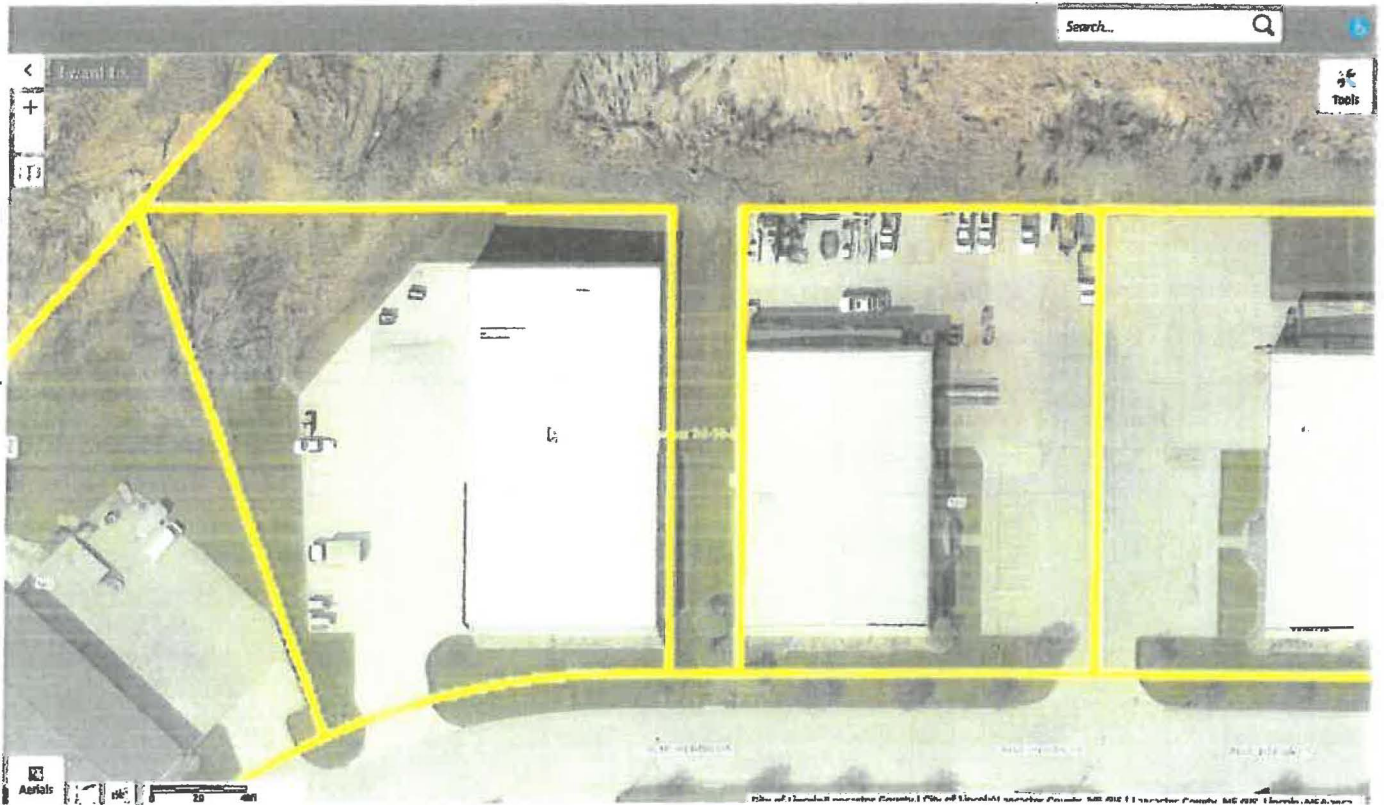
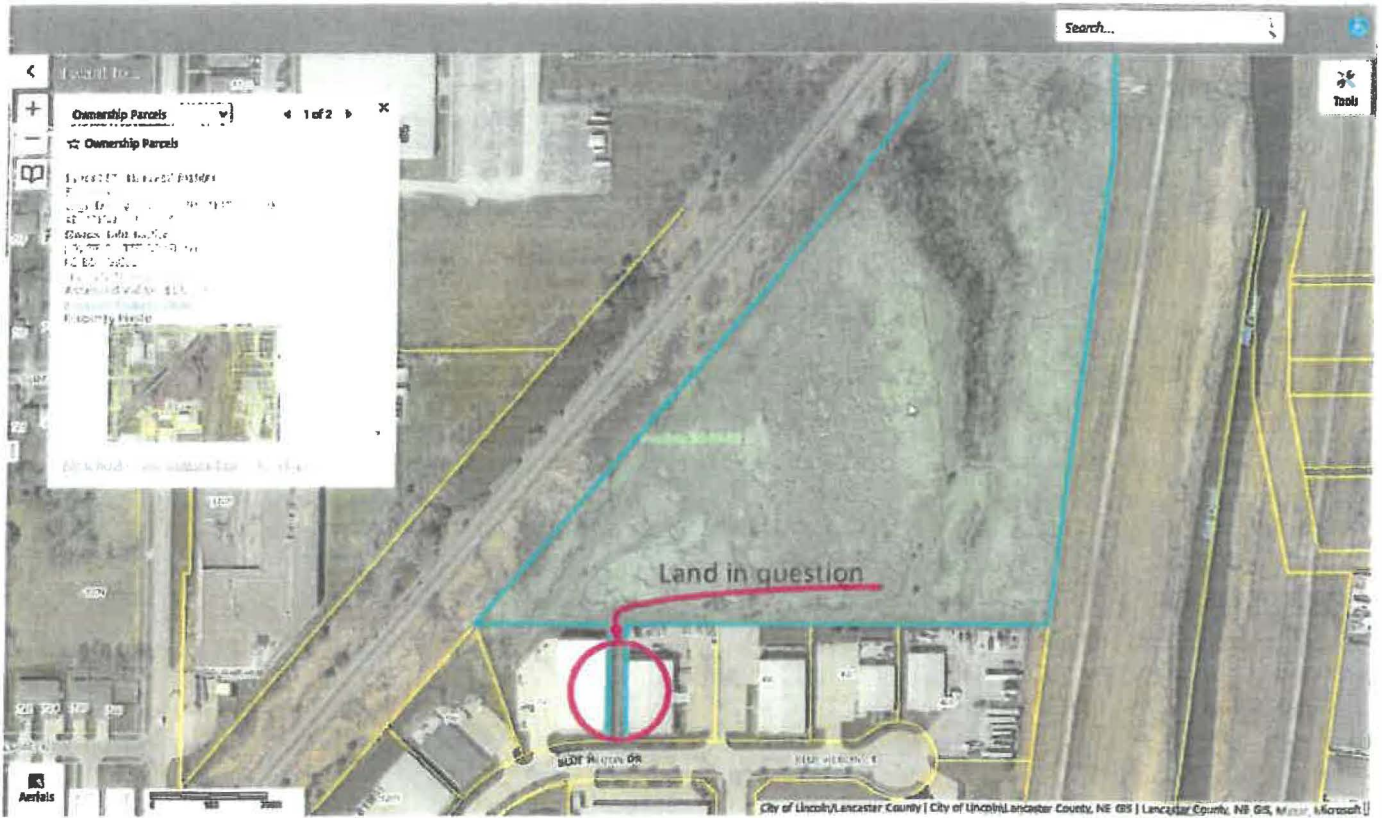
Options to achieve these goals:

1. Allowing the installation of storm drains and concrete to be poured between the two buildings.
2. Allowing for the installation of only pavers to be placed between the two buildings.
3. Allowing the installation of crushed gravel to be placed between the two buildings and adding a culvert below a 20ft wide concrete crossing between 500 & 520 Blue Heron.

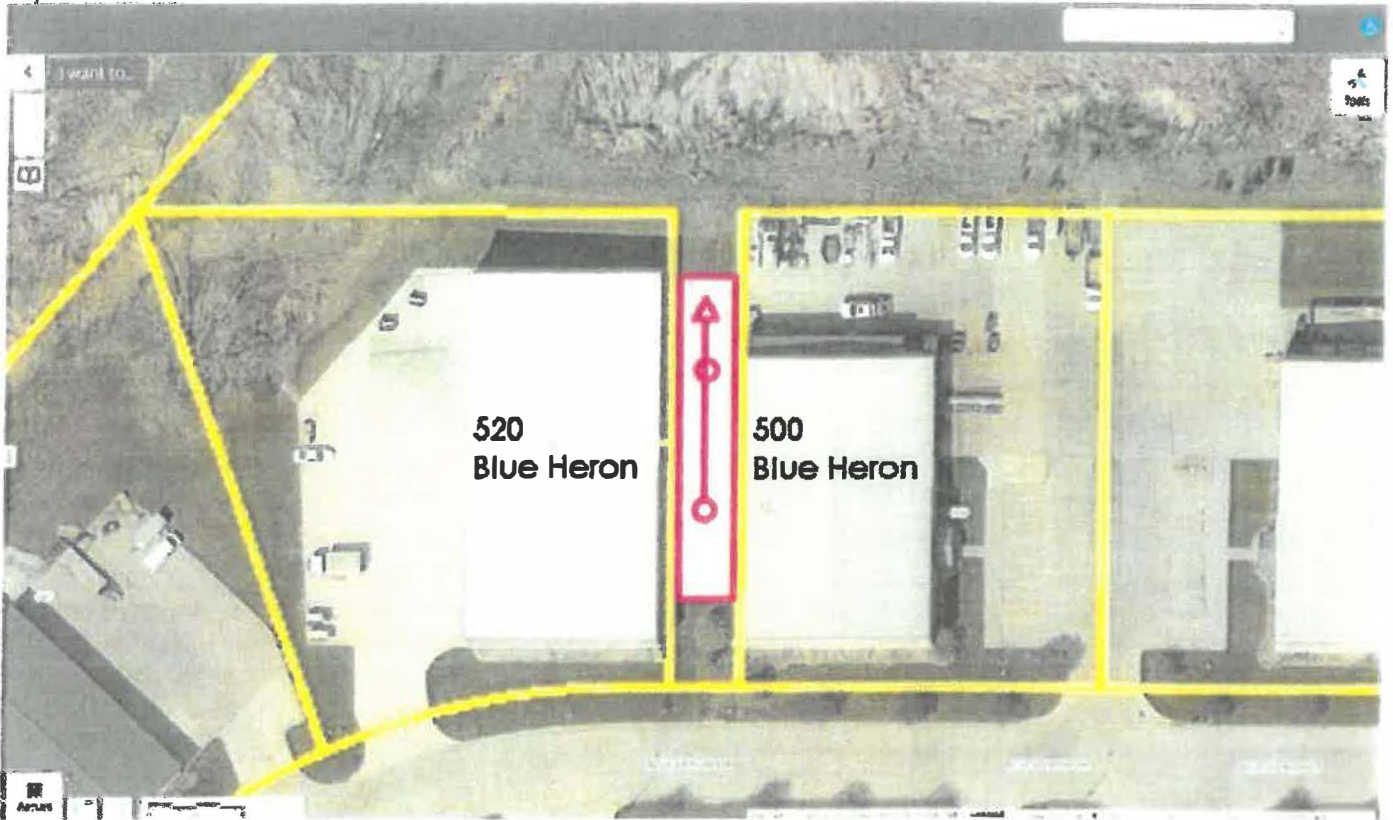
In the last 14 years of conducting our business at this property we have enjoyed all that this marshland has to offer. We've taken appreciation of the deer that regularly cross, the fowl that use the cattails that grow here as shelter and the other wildlife that use this land as their home. We have taken a great deal of pride in maintaining our own property so that we don't intrude on this wild land.

We hope that our stewardship of this small public access land over the last 14 years will hold some good faith in your decision in allowing us to help the Lower Platte South NRD in continuing to maintain this small strip of property. We also hope, that if allowed, doing so at our expense will benefit the NRD's mission in the conservation of the wetland to the north.

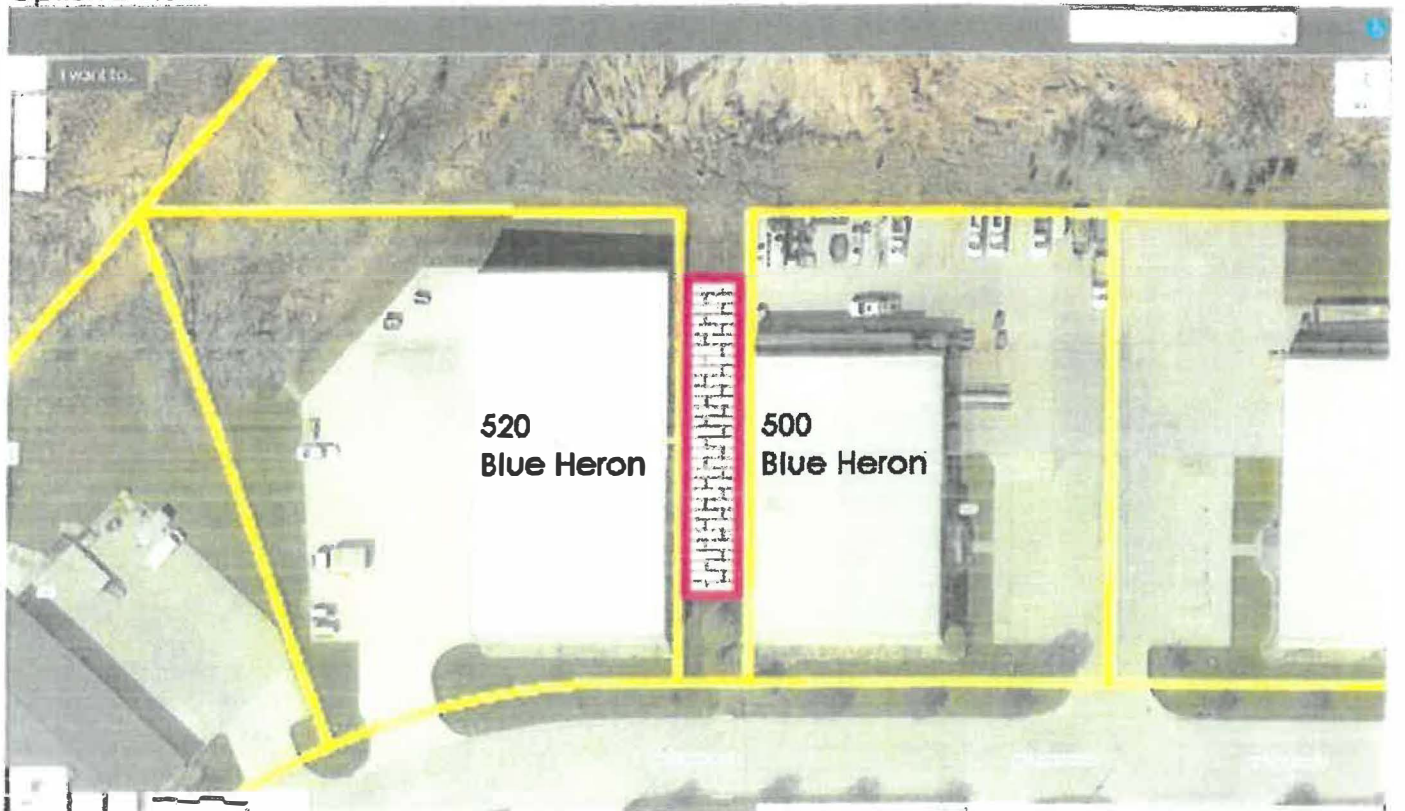
Sincerely,
NIFCO Mechanical Systems



Option 1 View



Option 2 View



Option 3 View

