

# **City of Scottsbluff, Nebraska**

**Monday, October 21, 2013**

**Regular Meeting**

## **Item Reports5**

**Council to receive a recommendation from the Scottsbluff Drain Board for the purchase of property to eliminate liability and provide for future improvements to the Scottsbluff Drain.**

**Staff Contact: Rick Kuckkahn, City Manager**

# Agenda Statement

Item No.

For meeting of: October 21, 2013

**AGENDA TITLE:** Scottsbluff Drain Board recommends purchase of property

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Public Works

**PRESENTATION BY:** Legal Council

**SUMMARY EXPLANATION:** The City has been approached by a property owner to buy a piece of property located at 1308 E 17<sup>th</sup> Street. This property is one of the high priority properties for the City to acquire to eliminate liability and provide for future improvements to the Scottsbluff Drain. The property has two structures located directly over the Scottsbluff Drain, including a house with a direct sewer connection to the Drain. The property owner is asking for the taxable value of the property, about \$15,000. The Stormwater budget has about \$200,000 budgeted in a fund set aside solely for the purpose of making improvements to the Scottsbluff Drain. This money can be used for the purchase of this property.

**BOARD/COMMISSION RECOMMENDATION:**

**STAFF RECOMMENDATION:**

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**EXHIBITS**

Resolution     Ordinance     Contract     Minutes     Plan/Map

Other (specify)  \_\_\_\_\_

**NOTIFICATION LIST:** Yes  No  Further Instructions   
Mark Bohl, Public Works Director  
Lynn Garton, Wastewater Supervisor  
Annie Folck, Stormwater Program Specialist

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

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Rev 3/1/99CClerk

**SCOTTSBLUFF DRAIN  
OPERATING COMMITTEE  
MINUTES  
October 10, 2013**

The Scottsbluff Drain Operating Committee met in session on October 10, 2013 in the Scottsbluff City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. Notice of the meeting was published Sunday, October 6, 2013 in the Star-Herald, Scottsbluff, Nebraska. Notice of the Nebraska Open Meetings Act was posted as per state statute.

Chairman Lynn Garton called the meeting to order at 1:31 p.m.

Members present: Mark Masterton, Bob Bennett, Lynn Garton

Moved by Committee Member Masterton, seconded by Committee Member Bennet that the minutes of the July 30, 2013 meeting be approved.

Vote of Committee: "YEAS" Masterton, Bennett, Garton "NAYS" None. Absent: None

Chairman Garton began discussion regarding the sale of property adjacent to the Scottsbluff Drain along Avenue B. Legal council recommended that everything pertaining to easements, access to the drain, and flood mitigation should be addressed in the developer's agreement. Access to the drain needs to be permanent and should be retained in the deed.

Chairman Garton began discussion regarding the proposed use of a covered portion of the Drain at 14<sup>th</sup> Avenue and Highway 26 (north of Monument Car Wash) by Wolf Auto. Garton stated that in order for this piece of property to be utilized, a survey of the area would be needed, and this cost should be absorbed by Wolf Auto. Kent Hadenfelt, legal council for the Drain Board, stated that when the Drainage District dissolved, the land within city limits was to be transferred to the City, and the land outside of city limits was to be transferred to the County. However, no records have been found to show that any of the land was actually transferred to the City, so at this time, it appears that all property is owned by the County. Before Wolf Auto can use this piece of property, more research needs to be done to ensure that the Drain Board has the right to allow them to use it. Hadenfelt recommends that a license agreement be drawn up to give them the rights to the property, which could then be terminated at any time at the discretion of the Drain Board. Chairman Garton stated that it would be possible to charge rent for the property. Committee Member Masterton moved that a license agreement be drawn up with six month termination period. Committee member Bennet seconded.

Vote of Committee: "YEAS" Masterton, Bennet, Garton "NAYS" None. Absent: None

Chairman Garton began discussion about the Reganis development, located near the intersection of 27<sup>th</sup> St and Highway 26. Legal recommended that all requirements for the development, including access to the drain and flood mitigation, be addressed in the developer's agreement.

Chairman Garton began discussion on the potential purchase of property located at 1308 E 17<sup>th</sup> Street. The owner of the property has approached the City to inquire if the City would be interested in purchasing this property. The Drain Committee has discussed acquiring properties

in this area to eliminate liability and provide for future uses of the drain. Committee Member Masterton stated that the City and County should split the costs of maintenance and property purchase evenly. Chairman Garton stated that the current agreement requires about a 60/40 split for maintenance costs, which is based on the percentage of areas within the City and the County that drain to the Scottsbluff Drain. Hadenfelt stated that the current arrangement addresses only maintenance, and there is nothing in the agreement addressing property purchase. Chairman Garton stated that this property has two structures located directly over the top of the covered portion of the Scottsbluff Drain. One of these structures is a house which has a sewer connection directly connected to the Scottsbluff Drain. The owner is asking for \$15,000, which is the taxable value of the property. Hadenfelt stated that this would set a precedent for purchasing these properties at fair market value. Chairman Garton stated that the City has \$200,000 budgeted in a fund for this purpose. Dave Schaff recommended that the City purchase the property and then approach TCD about a demolition grant to take down the structures. Chairman Garton stated that the fire department might also be able to use these buildings for a training exercise. Hadenfelt stated that in order to purchase the property, City Council would have to approve the purchase, a public hearing would be held, title insurance bought, and then item would be put on a Council agenda to finalize the purchase. Committee Member Bennet moved and Chairman Garton seconded that the Committee recommend the purchase of this property, not to exceed \$15,000.

Vote of Committee: "YEAS" Masterton, Bennet, Garton "NAYS" None Absent: None

Chairman Garton began discussing the bylaws for the Scottsbluff Drain Committee. He stated that no bylaws have been found from when the Drainage District dissolved. Committee member Masterton stated that we need to get something in place, and that another meeting should be held to discuss these items in more depth. He asked for an overview of the history of the Drain, and an outline of the long term plan for the Drain. He stated that there are a lot of issues with the Drain, and the Committee needs to raise awareness and address these issues. Chairman Garton stated that all these things should be explained to the City Council when they are approached about purchasing the property at 1308 E. 17<sup>th</sup> Street.

With no other business to consider, Bennet moved to adjourn the meeting and Chairman Garton seconded at 2:22 pm.

Vote of Committee: "YEAS" Masterton, Bennet, Garton "NAYS" None Absent: None