

# **City of Scottsbluff, Nebraska**

**Tuesday, September 8, 2015**

**Regular Meeting**

## **Item Consent2**

**Council to acknowledge the property damage claim from Clarence Gealy in the amount of \$84,160 which has been referred to the City's Insurance carrier.**

**Staff Contact: Cindy Dickinson, City Clerk**

**August 18, 2015**

To the City of Scottsbluff,

I am writing this letter in regards to the recently built Burger King at 618 West 27<sup>th</sup> St. Scottsbluff.

The construction was completed in November of 2014 and the business opened on December 15, 2014.

We sustained damage to the concrete in the parking lot. This was due to the traffic coming through with heavy amounts of chemical on their vehicles, which is applied to the streets by the City.

The damage is estimated at \$84,160. This amount includes tear out and replacement.

We are requesting some damage relief from the City.

Please feel free to contact us if we can help provide additional information.

Sincerely,



Clarence Gealy  
Ph 632-8572  
Cell 631-3136

*Rusch*



**Stewart Rusch**

**Sharon Rusch**

**Owners**

**314 W. 19th St., P.O. Box 559**

**Scottsbluff, Nebraska 69363-0559**

**(308) 632-2228 / (308) 632-2856 Fax**

March 19, 2015

Clarence Gealy  
Burger King  
Scottsbluff, NE

Dear Clarence,

We have notified our insurance company with regard to the concrete which is spalling on the Burger King Parking lot. Our Insurance Company has declined coverage based on our subcontractor completing the work. Our subcontractor did not cause this to happen, as it was a result of the City of Scottsbluff placing Ice-Slicer product on the city streets which help prevent the streets from freezing and causes the ice to slush up and stick on bottom of vehicles.

Please see copy of bill of lading which reflects the type of de-icing product the City of Scottsbluff uses on their streets. I obtained this information from the City Works Department.

We also have enclosed copy of the MSD sheet which reflects the trade name of Ice Slicer RS. The product is Complex Chloride, Sodium Chloride, Potassium Chloride and Magnesium.

The cause of the spalling of the concrete was the direct result of Ice-Slicer RS dripping on the new green concrete from underneath the automobiles which traveled Scottsbluff streets and then parked on the Burger King parking lot.

The weather, snow and low temperatures are the cause of issues with this concrete.

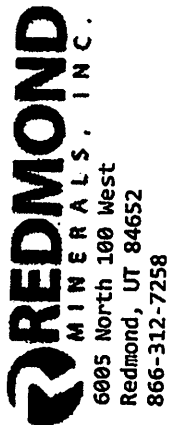
Also enclosed is an article from Unlimited Concrete Concepts which explains the effect of deicer on concrete.

I am sorry, I'm not in the position to pay for concrete due to circumstances (weather) beyond my control. In this case, the city of Scottsbluff caused the damage by placing chemicals on the streets.

Thank you,

Stewart W Rusch

cc: Sunshine Holdings-Justin Heggem



**BILL OF LADING**

Ticket Number: 21039-01  
Ticket Date: 01/26/2015  
Ticket Time: 10:29 AM  
Order Number: 21039



21039-01

Customer Number:  
Location: Envirotech  
Customer Order Number: Nebraska Salt Grain  
Purchase Order: L2830  
Verbal

Order Notes:

Truck:  
Hauler:  
Product:  
Truck Gross:  
Truck Tare:  
Truck Net:

KOINZAN 5

KOINZAN

Iceslicer RS - Bulk x

39.90

15.49

24.41

Customer Signature: Terrey Pierce

Date: \_\_\_\_\_

Driver Signature: [Signature]

Date: \_\_\_\_\_

*Material/Product  
City of Scottsbluff uses  
on streets to keep roads  
from icing up and becoming  
slippery snow.*

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**SECTION VI: HEALTH HAZARD DATA**

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Routes of Entry: *Eye contact, skin contact, inhalation, ingestion.*

Effects of Overexposure: *None established*

Emergency and First Aid Procedures:

*Eyes—Flush with large quantities of water.*

*Skin—Wash with soap and water.*

*Inhalation—Remove to fresh air.*

*Ingestion—In case of significant amounts, induce vomiting to purge.*

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**SECTION VII: PRECAUTION FOR SAFE HANDLING AND USE**

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Steps to be Taken in Case Material is Released or Spilled: *Sweep up.*

Waste Disposal Method: *Dispose in accordance with federal, state, or local regulations.*

Precautions to be Taken in Handling and Storage: *Store in dry area.*

Other Precautions: *None*

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**SECTION VIII: CONTROL MEASURES**

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Respiratory Protection:

Ventilation: *None required other than normal.*

Local Exhaust: *None*

Mechanical (General): *None*

Protective Gloves: *None required*

Eye Protection: *Minimum—Safety glasses*

Other Protective Equipment or Precautions: *None.*

*The information contained in this Material Safety Data Sheet is, to the best of our knowledge, accurate and reliable. No warranty of any kind is either expressed or implied.*

*This information should be provided to all individuals handling this product. Federal, state, and local regulations should be followed when handling this product.*



## MATERIAL SAFETY DATA SHEET

### SECTION I: MATERIAL IDENTIFICATION

Trade Name: **Ice Slicer® RS** ←

Product: *Complex Chloride—Sodium Chloride, Potassium Chloride, Magnesium Chloride*

Manufacturer: *Redmond Minerals, Inc.*

Distributor: *EnviroTech Services, Inc.*

Address: *PO Box 219*

*1140 38<sup>th</sup> Ave, Suite 1*

*Redmond, UT 84652*

*Greeley, CO 80634*

Telephone: *(801) 423-1622*

*(970) 346-3900*

Fax: *(801) 491-2838*

*(970) 346-3959*

Date Prepared: *April 21, 1995*

Updated: *July 10, 2002*

### SECTION II: HAZARDOUS INGREDIENTS/IDENTITY INFORMATION

Contains: *Sodium Chloride, Potassium Chloride, Magnesium Chloride*

Threshold Limit Value (TLV): *NA*

Time Weighted Average (TWA) (OSHA):

1 *Not subject to reporting requirements under SARA, Title III, Sec. 313.*

2 *IARC—None established.*

3 *ACGIH—None established.*

### SECTION III: PHYSICAL/CHEMICAL CHARACTERISTICS

Boiling Point: *Solid material, NA*

Vapor Pressure: *Solid material, NA*

Vapor Density: *Solid material, NA*

Solubility in Water: *92-99%*

Specific Gravity: *See Bulk Density*

Evaporation Rate: *NA*

Molecular Weight: *364*

Appearance and Odor: *Reddish to white, no odor.*

### SECTION IV: FIRE AND EXPLOSION HAZARD DATA

Flash Point: *None*

Flammable Limits: *None*

Extinguishing Media: *None Required*

Special Fire Fighting Procedures: *None*

Unusual Fire and Explosion Hazards: *None*

### SECTION V: REACTIVITY DATA

Stability: *Stable*

Incompatibility: *None*

Hazardous Decomposition or Byproducts: *None*

Hazardous Polymerization: *Will Not Occur*

Conditions to Avoid: *None established*

Call Us Today: 763-228-8612

1/22/2015

What kind of salt is OK to apply to concrete? | Unlimited Concrete Concepts

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## What kind of salt is OK to apply to concrete?

Submitted by Ryan on Thu, 2014-02-27 16:27

Concrete becomes damaged from de-icing salts that are applied during the winter season. Exterior concrete must be kept clear of snow and ice for safety reasons – we understand that. However, there is no such thing as "safe for concrete" de-icing salts or chemicals.

The first winter, for new concrete, salt should never be used. Sand can be used to increase traction when needed. After the first winter, if you choose to take the risk to use de-icing salts or chemicals, you should apply a sealer to your concrete in the fall. The sealer keeps the water and salt out of the pores of the concrete. Be sure to use as little salt as possible, sweep the slush and salt off the concrete as soon as possible, and rinse the concrete when you are able in the spring.

If I can't use salt, what should I do?

Clear the snow immediately before it gets walked on or driven on and becomes hard packed. Apply sand. Bags of sand can be purchased at Menards, Home Depot, or Lowes. Most other hardware or landscape supply stores will have it as well.

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http://unlimitedconcreteconcepts.com/blog/what-kind-salt-ok-apply-concrete

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