

# **City of Scottsbluff, Nebraska**

**Monday, December 1, 2014**

**Regular Meeting**

## **Item Reports6**

**Council to authorize the Mayor to sign a Memorandum to USDA Rural Development regarding the mitigation contract provisions for the Minatare water projects.**

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

# Memorandum

**Date:** December 1, 2014  
**To:** USDA- Rural Development, Denise Meeks, Natalie Furrow  
**From:** City of Scottsbluff  
**RE:** Memorandum of understanding by and between Scottsbluff and Minatare, Nebraska, for Contract provisions regarding mitigation requirements, payments (Paragraph #8 as approved by Scottsbluff, Minatare and USDA-Rural Development)

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Dear Ms. Furrow and Ms Meeks:

On behalf of the City of Scottsbluff, Nebraska, as their legal representative and after approval by formal motion by the City Council for the City of Scottsbluff, Nebraska on December 1, 2014, it is hereby stated that the City Council for the City of Scottsbluff, Nebraska has reviewed and approved the Memorandum of Understanding approved by formal motion of the City Council of the City of Minatare, Nebraska on November 17, 2014, and that pursuant to paragraph 8 of the Contract for water services provided by Scottsbluff to Minatare, the City of Minatare has the following obligations:

If mitigation is part of the water project due to state and/or federal mandates, Minatare will be responsible and pay for all costs associated with any and all mitigation mandates as issued to Scottsbluff, who is the water supplier, by NPNRD or the DNR. This includes, but is not limited to, payment for land, decommissioning ground water irrigation rights, creation of purchase agreements, finder's/realtor's fees, etc. If there are any other non-mitigation related fees or expenses incurred by the City of Scottsbluff while submitting and executing its application for a water transfer permit, the City of Scottsbluff understands that the City of Minatare shall reimburse the City of Scottsbluff for those fees and expenses.

Furthermore, the City of Scottsbluff understands that it cannot move forward with its permit application until the City of Minatare, pursuant to paragraph 8, meets any and all mitigation requirements issued by the NPNRD or the DNR.

CITY OF SCOTTSBLUFF,

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Randy Meininger  
Mayor  
City of Scottsbluff, Nebraska  
2525 Circle Drive  
Scottsbluff, NE 69361