



City of Grand Island

Tuesday, February 22, 2022

Council Session

Item G-2

Receipt of Official Document – Tort Claim filed by Lumen Technologies

Staff Contact: Stacy Nonhof, Interim City Attorney

Council Agenda Memo

From: Stacy Nonhof, Interim City Attorney

Meeting: February 22, 2022

Subject: Receipt of Official Document – Tort Claim filed by Lumen Technologies

Presenter(s): Stacy Nonhof, Interim City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim from Lumen Technologies alleging Lumen's buried cable was damaged during electric excavation with a backhoe by the City of Grand Island. These damages were discovered or repaired on or about January 18, 2022 at the location of 3628 South Locust Street.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Lumen Technologies is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

For a person to assert a tort claim against the City of Grand Island, a written notice of the claim must be filed with the City Clerk, Secretary or other official responsible for keeping official records. The claim must be filed within one year of the accrual of the claim, and the Council has six months to act on the claim. No suit can be filed until after the Council acts on the claim, or the six months has run.

Historically, the City of Grand Island has simply let the six months run. Not all claims result in a suit being filed, so it makes good sense to not act affirmatively in many instances. In any event, if you wish to look further into this claim, please contact the City Attorney's office, and we will provide you with the information which we have in connection with the claim. Our recommendation is to continue to take no affirmative action on tort claims. It must be emphasized that by providing copies of alleged claims to you, we are not making an admission or representation that a claim has been properly filed in any respect. We also recommend that no comments concerning a particular claim be made during Council meetings, unless you decide to bring the matter on for formal consideration. Even then, we ask that comments be carefully considered so that the legal rights of all parties are preserved.

Discussion

This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

Sample Motion

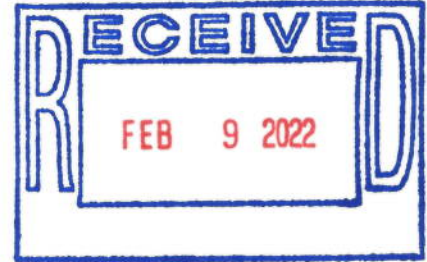
Move to approve acknowledgement of the tort Claim filed by Lumen Technologies.



P.O. Box 27070, Minneapolis, Minnesota 55427-0070
3300 Fernbrook Lane N, Ste. 225, Plymouth, MN 55447
800-279-2567 ~ 763-519-2710 ~ Fax 763-744-1480

01/31/2022

City of Grand Island
Attn: Risk Management
P.O. Box 1968
Grand Island, NE 68802-1968



Dear: City of Grand Island

JNR Adjustment Company, Inc. is a third party claims administrator for Lumen Technologies, which has assigned our firm to investigate and resolve claims for damages to Lumen Technologies facilities.

This letter should serve as notice of tort claim filing with City of Grand Island. If additional information is required to affect official notice of claim, please respond to include any necessary forms, or specific procedure mandated by statute.

Once available, further information along with a demand for property damage will be provided. Lumen's buried cable was damaged during electric excavation with a backhoe by the City of Grand Island. These damages were discovered or repaired on or about 01/18/2022 at the location of 3628 S Locust St in Grand Island, NE.

If you have any questions send an email to the address below or call 800-279-2567 ext. 2481. Please include our reference number **1MN82945** when responding to this letter. We apologize for the limited information and appreciate your patience.

Thank you,

A handwritten signature in blue ink that reads 'Hailey Sosa'.

Public Relations
JNR Adjustment Co.
PO Box 27070
Minneapolis, MN 55427
Fax: 763-744-1480
Hailey.sosa@jnrcollects.com