



City of Grand Island

Tuesday, November 18, 2003

Council Session

Item G2

Receipt of Official Document - Tort Claim Filed by Jerry and Pamela Miller

The City of Grand Island has received a Tort Claim from Jerry and Pamela Miller, 508 Shady Bend Road alleging certain claims in connection with discharging pollutants at the Wastewater Treatment Plant. A copy of this claim is attached to comply with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: RaNae Edwards

ANGLE, MURPHY, VALENTINO & CAMPBELL, P.C.

ATTORNEYS AT LAW
617 GRANT AVENUE
P.O. BOX 584
YORK, NEBRASKA 68467

MICHAEL J. MURPHY
VINCENT VALENTINO
CHARLES W. CAMPBELL

TELEPHONE (402) 362-7725
FAX NO. (402) 362-3875
E-mail amvc@alltel.net

WALLACE W. ANGLE
(1921-2001)

November 6, 2003

**SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RaNae Edwards
City Clerk, City of Grand Island
P.O. Box 1968
Grand Island, NE 68802-1968



RE: Political Subdivision Tort Claim and Public Records Demand for Jerry and Pamela Miller

Dear Ms. Edwards:

This is to advise you that our office represents Mr. and Mrs. Jerry Miller of Grand Island, Nebraska who are the owners of a piece of property located east of the Grand Island Wastewater Treatment Plant (GIWWTP) at 508 Shady Bend Road, Grand Island, Nebraska.

On March 26, 2003 a report prepared by David Bubb of the Nebraska Department of Environmental Quality named the GIWWTP and its utility ditch north of the plant as probable source contaminants for the Miller's sandpit lakes. On April 15, 2003 and August 21, 2003 the University of Iowa Hygienic Laboratory confirmed the presence of a quantity of caffeine and cotinine in the lake water of Miller's sandpit and the outfall of the GIWWTP, which is a confirmatory analysis that indicates the wastewater presence is from a human source. Additional laboratory tests from MILCO Environmental Services and Ward Laboratories of Kearney, Nebraska in July, 2003 indicate levels of conductivity, sodium, calcium, magnesium, total hardness, nitrates, chloride, coliform bacteria, E. coli, total nitrogen, ammonium, phosphorus, total iron, copper, total suspended solids, fecal coliform bacteria and dissolved oxygen. All of these materials are found in the GIWWTP utility ditch and outfall, and in Miller's sandpit lake.

Although the GIWWTP has an NPDES permit to discharge pollutants into the Wood River, it does not have a permit to pollute private property. We believe this has been occurring at least since March, 2003 and continues to this day. We believe this pollution to the Miller property has occurred as a result of actions taken or a failure to take appropriate actions by the City of Grand Island and the GIWWTP. The Millers have been damaged by these actions and have incurred expenses with respect to this matter in an

amount that is still being determined.

Further, as provided by Neb. Rev. Stat. §84-712, et seq. (Reissue 1999), I request that my office be given access to the complete computer data base of records kept by the GIWWTP for all chemical tests done or performed by them on any influent or effluent, including any sludge injection records and ground water testing records for the GIWWTP, Swift, or others whom discharge into the utility ditch north of the GIWWTP for whom GIWWTP may run tests. Thank you.

Sincerely,



Vincent Valentino
For the Firm

VV:pae

cc: Jerry & Pamela Miller

CC: Legal
Mayor
Admin
PW
11-7-03