



City of Grand Island

Tuesday, March 13, 2007

Council Session

Item G1

**Receipt of Official Document - Tort Claim Filed by STL
Transportation**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, City Attorney

Meeting: March 13, 2007

Subject: Tort Claim – STL Transportation

Item #'s: G-1

Presenter(s): Dale M. Shotkoski, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim on behalf of STL Transportation, alleging certain claims in connection with an incident which occurred on December 31, 2006, on Highway 30 outside of Grand Island. While dark, a truck driver for STL Transportation struck a live power line that was hanging low over the roadway, sustaining damages.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of STL Transportation, 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 Administrator's office or the City Attorney, 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

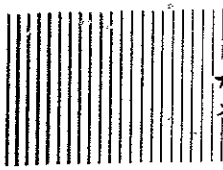
This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

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

Sample Motion

Motion to approve acknowledgement of the Tort Claim filed by STL Transportation.



GREAT WEST

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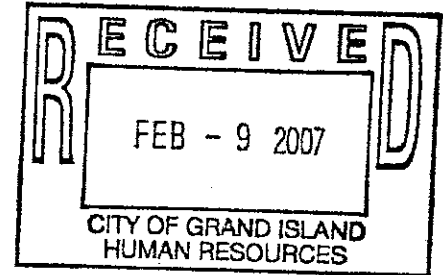
*Mailed to Laura
on 2/12/07*

Celebrating 50 years of service

February 7, 2007

HUMAN RESOURCES DEPT
CITY OF GRAND ISLAND
100 E 1ST ST
GRAND ISLAND NE 68801

MARLA CONLEY
HALL COUNTY CLERK
121 S PINE ST
GRAND ISLAND NE 68801



RE: O/File #: B71602-M-980
O/Insured: STL Transportation
O/Driver: Vitaliy Snegur
D/Loss: 12/31/06

Dear Ladies and Gentlemen:

This letter is regarding the above-captioned claim and an incident that happened on Highway 30 outside of Grand Island, Nebraska on the above-captioned date. This incident occurred when in the hours of darkness, our insured struck a live power line that was hanging low over the roadway. Witnesses indicate that they had called the 911 center previous to the accident and alerted authorities to this state of affairs and were told that nothing would be done about this power line. Subsequent to the calls to 911, our insured struck the power line and sustained damage. As the enclosed police report indicates, our insured was southbound Alda Road approximately one-quarter mile south of Gunther Road.

The authorities were forewarned about this dangerous situation and did not take precautions as they reasonably should have to make the roadway safe for passersby, therefore, we believe that the city of Grand Island and/or Hall County are responsible for damages listed herein. Therefore, we are demanding full reimbursement of Great West Casualty Company's loss in the amount of \$31,598.01, which includes \$2,962.30 in semi-tractor repairs, \$18,153.25 in trailer repairs, and \$10,482.46 in cargo related damages. In addition, our insured paid their \$1,000 deductible.

In addition, our insured suffered a loss of use in the amount of \$14,954.56. Please see the enclosed documentation.

WE CAN PROVIDE BETTER CUSTOMER SERVICE WHEN YOU REFER TO THE ABOVE FILE NUMBER

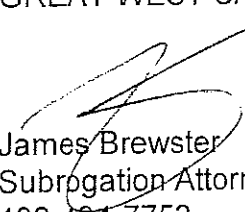
Claim No. B71602-M-980

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In the event no additional clarification is needed regarding the claims forwarded herein, and you wish to settle the property damages to the tractor, trailer, and cargo which resulted from this accident, please issue two drafts. Make the first draft payable to Great West Casualty Company, as subrogee of STL Transportation in the amount of \$31,098.01, and mail it to the above address. Make the second draft payable to our insured STL Transportation in the amount of \$15,954.56 and mail it to their address of 1841 Northwest Wonderview Avenue, Gresham, Oregon, 97030. If you have any questions, please call me at 1-800-228-8602, Extension 7752.

Sincerely,

GREAT WEST CASUALTY COMPANY



James Brewster
Subrogation Attorney
402-494-7752

DJBfe7hr/jlp

Enclosures

Claim Against the City Of Grand Island

Who is Making the Claim:

Name: Great West Casualty
and STL Transportation
Address: P.O. Box 277
Phone: South Sioux City, NE 68776
800-228-PEOD x 7752

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What happened?

Please see
attached
letter for
claim info.

Where did it happen?

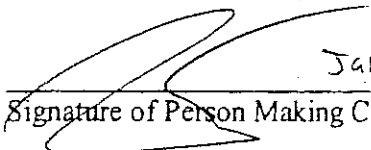
When did it happen (time and date)?

What are the damages? (Exact dollar amount of claim; please attach copies of bills, estimates or other appropriate documents.)

Who do you believe is at fault, and why?

Was the incident reported to anyone else? (i.e. Police, Utilities, etc.)

Is there any other information not included above?

 James F. Brewster 2-8-07
Signature of Person Making Claim Date

Please return completed form to:
Human Resources Dept
100 East First Street
Grand Island, NE 68801
(308) 385-5444, ext. 137