



City of Grand Island

Tuesday, June 23, 2015

Council Session

Item G-1

Receipt of Official Document – Tort Claim filed by Michael C. Brewer

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 24, 2015

Subject: Receipt of Official Document – Tort Claim filed by Michael C. Brewer

Item #'s: G-1

Presenter(s): RaNae Edwards, City Clerk

Background

The City of Grand Island has received a Notice of Tort Claim from Michael C. Brewer alleging certain claims in connection with an incident at 1508 N. Lafayette Avenue involving the City Utility Department which occurred on October 23, 2014.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Michael C. Brewer 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 Michael C. Brewer.

2121 N. Webb Road
Suite 210
P.O. Box 5315
Grand Island, NE 68802-5315

(308) 382-9244
FAX (308) 382-9264



201 N. 8th Street
Suite 242
P.O. Box 83103
Lincoln, NE 68501-3103

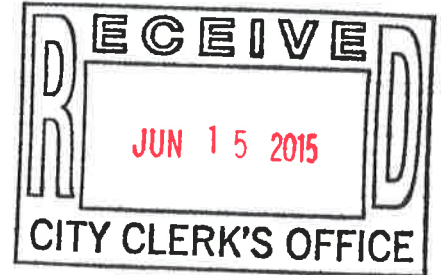
(402) 477-1010
FAX (402) 477-9913

DOWDING, DOWDING, DOWDING & URBOM

LAW OFFICES

Vince Dowding
Joseph C. Dowding
Steven W. Dowding
Jonathan D. Urbom
Jeffrey A. Bloom

(Please Reply to Grand Island Office)



June 11, 2015

ReNae Edwards
City Clerk, City of Grand Island
100 East 1st Street
P.O. Box 1968
Grand Island, NE 68802-1968

RE: Claim of Michael C. Brewer

Dear ReNae:

Enclosed is a claim being filed against the City of Grand Island by Michael Brewer.

Please acknowledge receipt of this claim.

Best regards,

VINCE DOWDING

VD/lp
enc.

cc: Legal Department, City of Grand Island
Michael Brewer
Jason P. Pierzina

CLAIM AGAINST THE CITY OF GRAND ISLAND

Who is Making the Claim:

Name: Michael C. Brewer
Address: 1508 N. Lafayette Avenue
Grand Island, NE 68803
Phone: 308-379-0653

What happened?

The City Utility Department hooked up my house to a new transmission line and the house was hooked up backwards. The effect was like the house was hit by lightning. A fire started, the electrical system was ruined, all appliances were ruined, and multiple items of personal property were lost. I could not live in the house and have been displaced while the house is being completely rewired and rebuilt and refurnished. My basement went from a fully finished basement to total destruction. New appliances, a new furnace, a new air conditioner unit, new plumbing, new electrical system, and sheetrock were all required. The sprinkler system had to be replaced. It was a virtual total loss. The City Utility Department has admitted fault and accepted full responsibility.

Where did it happen?

1508 N. Lafayette Avenue
Grand Island, NE 68803

Legally described as Lot 6, Block 2, Harrison Subdivision, Grand Island, Hall County, Nebraska.

When did it happen?

October 23, 2014

What are the damages?

\$400,000. The actual repair and reconstruction bills are not all in.

Who do you believe is at fault and why?

The City of Grand Island through the Utility Department is at fault. The house was wired backwards. Fault has been admitted.

Was the incident reported to anyone else?

The City Utility Department knew immediately when it happened.


MICHAEL C. BREWER

6/12/15
Date