



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1718-10

File ID: SC-1718-10 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 16 **In Control:** City Council

Department: Legal Department **Cost:** \$3,952.04 **File Created:** 02/19/2018

File Name: Special Claim from Frank Nees **Final Action:**

Title: SPECIAL CLAIM SC-1718-10: SUBMITTED BY FRANK NEES IN THE REDUCED AMOUNT OF \$3,952.04 PLUS UNDETERMINED RENTAL FEES FOR VEHICLE DAMAGE AS A RESULT OF A COLLISION WITH A SANITATION DEPARTMENT FRONT LOADER TRACTOR AT THE CITY OF NORMAN TRANSFER STATION LOCATED AT 3901 SOUTH CHAUTAUQUA AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-10; and, if approved, direct payment in the reduced amount of \$3,952.04 contingent upon obtaining a Release and Covenant Not to Sue from Frank Nees.

ACTION TAKEN: _____

Agenda Date: 03/13/2018

Agenda Number: 16

Attachments: City Clerk Memo, Notice of Tort Claim, Repair Estimate, Rental Car Estimate, Photographs

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sencinias@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1718-10

Body

BACKGROUND: A claim was filed by Frank Nees on December 1, 2017, for damage his truck received when it was struck by a front loader (machine tractor) at the City of Norman Transfer Station on 3901 South Chautauqua Avenue.

DISCUSSION: This incident was investigated by Bret Scovill, Solid Waste Manager, who found that on October 9, 2017, Mr. Nees parked his truck inside the City Transfer Station in order to unload material. It was at this time that a City employee in a front loader tractor attempted to drive in reverse and subsequently struck the front of Mr. Nees' truck which was parked behind him.

Mr. Nees owns a 2001 Ford F150 Super Cab pick-up truck in "Very Good" condition which according to Kelley Blue Book is valued at \$6,657. Mr. Nees has submitted three (3) estimates to repair the front bumper, left and

right front fenders, radiator supports and front hood, with the lowest estimate being \$3,999. The estimate also includes the replacement of a damaged University of Oklahoma emblem vanity license plate at the cost of \$59.95 however an exact version of this plate was found competitively priced elsewhere for \$12.99; therefore the claim is reduced to \$3,952.04.

Mr. Nees also requests reimbursement for the cost of a rental truck during the estimated two (2) weeks it is expected to take the auto body shop to repair his truck. While Mr. Nees' provided a rental estimate of \$1,376.98, the rental will be arranged by the City for an amount undetermined at this time, with the final cost to be submitted as a supplemental claim and paid directly to the rental agency.

As indicated above, there appears to be possible negligence on the part of the City in this matter and consequently potential liability on the City. Mr. Nees' claim in the reduced amount of \$3,952.04 as specified above, in addition to the undetermined cost of a rental truck, appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Frank Nees in the reduced amount of \$3,952.04 plus the undetermined cost of a rental truck to be submitted as a supplemental claim, as set forth above be approved.