



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1516-2

File ID: SC-1516-2

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 13

In Control: City Council

Department: Legal Department

Cost: \$3,700.00

File Created: 08/05/2015

File Name: Special Claim-Hobby Lobby Stores, Inc.

Final Action:

Title: SPECIAL CLAIM SC-1516-2: A CLAIM IN THE REDUCED AMOUNT OF \$3,700 SUBMITTED BY HOBBY LOBBY STORES, INC., FOR DAMAGES INCURRED TO MARDEL'S BUILDING LOCATED AT 2421 WEST MAIN STREET BY SANITATION VEHICLES DURING THE PROCESS OF EMPTYING THE TRASH RECEPTACLE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1516-2; and, if approved, direct payment in the reduced amount of \$3,700.00 contingent upon obtaining a Release and Covenant Not to Sue from Hobby Lobby Stores, Inc.

ACTION TAKEN: _____

Agenda Date: 08/11/2015

Agenda Number: 13

Attachments: Clerk Memo, Hobby Lobby Stores Tort Claim, Hobby Lobby Stores Bid, Photographs Hobby Lobby

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File SC-1516-2

Body

BACKGROUND: A claim has been filed by Hobby Lobby Stores, Inc. for damage to its Mardel building located at 2421 W. Main Street when a city sanitation truck continuously caused damage by picking up the receptacle, causing it to shake and slam repeatedly against the back wall, causing damage to the building. A claim in the amount of \$9,506.06 was submitted.

DISCUSSION: The incident was investigated by Bret Scovill, Sanitation Supervisor. According to his investigation, this facility has an outdated piece of equipment that does not allow proper access to the container. The area where the equipment is attached has damage that has accumulated over several years. The City should have discontinued service when the damage was first discovered. At this time, the City is offering an alternative sanitation service solution until this situation is resolved.

Hobby Lobby obtained an estimate to repair the damage in the amount of \$9,506.06. The City obtained an estimate to repair the damage in the amount of \$7,400. After discussions with Hobby Lobby, and their awareness the equipment needs to be replaced or modified before resuming normal service, Hobby Lobby

agreed to pay \$3,700, one-half of the estimated amount of \$7,400.

There appears to be possible negligence on the part of the City in this matter and consequently, potential liability on the City. Payment by the City of one-half of the \$7,400 estimate for the repair to the building in the amount of \$3,700 appears reasonable.

RECOMMENDATION: Based upon the above, it is recommended by the City Attorney's Office that settlement of the claim of Hobby Lobby Stores, Inc. for \$3,700 for repair to the building be approved.