



## Legislation Details (With Text)

**File #:** SC-1819-5    **Version:** 1    **Name:** Special Claim from Braum's Inc.  
**Type:** Special Claim    **Status:** Passed  
**File created:** 12/18/2018    **In control:** City Council  
**On agenda:** 1/8/2019    **Final action:** 1/8/2019  
**Title:** SPECIAL CLAIM SC-1819-5: SUBMITTED BY BRAUM'S INC. IN THE AMOUNT OF \$3,274.35 FOR DAMAGE TO A METAL OVERHANG CANOPY AS A RESULT OF AN INCIDENT WITH A PARKS DEPARTMENT VEHICLE CARRYING A DUMPSTER AT 1002 24TH AVENUE S.W.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Text File, 2. City Clerk Memo, 3. Notice of Tort Claim, 4. Invoices, 5. Photos

Date	Ver.	Action By	Action	Result
1/8/2019	1	City Council		

SPECIAL CLAIM SC-1819-5: SUBMITTED BY BRAUM'S INC. IN THE AMOUNT OF \$3,274.35 FOR DAMAGE TO A METAL OVERHANG CANOPY AS A RESULT OF AN INCIDENT WITH A PARKS DEPARTMENT VEHICLE CARRYING A DUMPSTER AT 1002 24TH AVENUE S.W.

**BACKGROUND:** A claim was filed by Braum's Inc. in the amount of \$3,274.35 for damage to a metal overhang canopy when it was struck by a City employee at Braum's restaurant located at 1002 24<sup>th</sup> Avenue Southwest on October 31, 2018.

**DISCUSSION:** This incident was investigated by Matt Hendren, Parks Supervisor. On October 31, 2018, a City employee was driving a truck that was hauling a large dumpster in its bed. While on lunch break, the employee went through the drive-through lane of Braum's; however, he did not take into account the height of the dumpster and as he approached an overhang canopy, the dumpster struck and caused damaged to it.

Braum's Inc. provided invoices totaling \$3,274.35 for the installation and replacement of the metal canopy. 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. Braum's Inc. claim in the amount of \$3,274.35 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Braum's Inc., in the amount of \$3,274.35 as set forth above, be approved.