

Sent to Walter Munt
PW012908-01
1-2-08

Sent to Risk Manager: _____
Sent to Black Hills Agency: _____

Claim Form
City of Rapid City
300 Sixth Street
Rapid City, SD 57701
(605) 394-4143

ADCA CODE 605-

Claimant: Jerome & Jerauldine Walenta Home Phone 343-2478
Address: 510 E WATER TOWN Rapid City SD Business Phone Cell 609-4119
Date and Time of Incident: 1/2/07 AM 5701
Location of Incident: 104 Philadelphia Rapid City SD 57701
Type of Accident:
(Check all that apply): () Injured Person () Property Damage () Automobile Accident

Injured Person

Occupation: _____ Employed by: _____
Did you see a doctor? Yes () No () Doctor's Name: _____
Were you hospitalized? Yes () No () Hospital: _____
Have you returned to work or school? Yes () No () Age: _____
Probable disability period: _____
Why were you on the premises? _____

Describe incident (nature & extent of injury): _____

Name of police officer or governmental authority this was reported to: _____

Property Damage

List property damaged: Structure - Carpet 1 room, walls & Doors, Appliances
Age of damaged property: 4plex built in 1973, updated since then
Estimated cost of repair: ?
How was property damaged? 3 to 5" of sewage backed up into basement apartment

Automobile Accident

Driver, if other than owner: _____
Address: _____ Home Phone: _____
Estimated cost of repair: _____ Business Phone: _____
Vehicle: (year, make, model): _____
Name and Department of governmental employee involved in accident: _____

Where did accident take place? _____
Your description of accident and damage: _____

(Attach copy of Police Report)

SOUTH DAKOTA LAW REQUIRES THE FOLLOWING:

SDCL 3-21-2: Notice prerequisite to action for damages -- Time limit. No action for the recovery of damages for personal injury, property damage, error or omission or death caused by a public entity or its employees may be maintained against the public entity or its employees unless written notice of the time, place and cause of the injury is given to the public entity as provided by this chapter within one hundred eighty days after the injury.

SDCL 3-21-3: Persons to whom notice must be given. Notice shall be given to the following officers as applicable: In the case of a county, to the County Auditor; in the case of a municipality, to the Mayor or City Finance Officer. In the case of other public entities, to the chief executive officer or secretary of the governing board.

1-02-08
Date

City of Rapid City

Jerauldine Walenta
Claimant

Sent to Risk Manager
PW012908-01
1-2-08

Sent to Risk Manager: <u>1-2-08</u>
Sent to Black Hills Agency: <u>1-2-08</u>

Claim Form
City of Rapid City
300 Sixth Street
Rapid City, SD 57701
(605) 394-4143

605 484 0642
605 209 0897

Claimant: JASON BREWER / SARA HORTON Home Phone _____
 Address: 104 PHILADELPHIA #4 Business Phone _____
 Date and Time of Incident: 1/2/08 10:00 AM
 Location of Incident: 104 PHILADELPHIA #4
 Type of Accident:
 (Check all that apply): () Injured Person Property Damage () Automobile Accident

Injured Person

Occupation: _____ Employed by: _____
 Did you see a doctor? Yes () No () Doctor's Name: _____
 Were you hospitalized? Yes () No () Hospital: _____
 Have you returned to work or school? Yes () No () Age: _____
 Probable disability period: _____
 Why were you on the premises? _____

Describe incident (nature & extent of injury): _____

 Name of police officer or governmental authority this was reported to: _____

Property Damage

List property damaged: To Follow
 Age of damaged property: _____
 Estimated cost of repair: _____
 How was property damaged? CITY SEWAGE MAIN Personal Property

Automobile Accident

Driver, if other than owner: _____
 Address: _____ Home Phone: _____
 Estimated cost of repair: _____ Business Phone: _____
 Vehicle: (year, make, model): _____
 Name and Department of governmental employee involved in accident: _____
 Where did accident take place? _____
 Your description of accident and damage: _____

(Attach copy of Police Report)

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1/2/08
Date

City of Rapid City

[Signature]
Claimant

*Sent to local maint
1-2-08*

Sent to Risk Manager: <u>1-2-08</u>
Sent to Black Hills Agency: <u>1-2-08</u>

Claim Form
City of Rapid City
300 Sixth Street
Rapid City, SD 57701
(605) 394-4143

Claimant: Ronald Halverson Home Phone 605-430-4466
 Address: 104 Philadelphia #3 Business Phone 605-341-0448
 Date and Time of Incident: 1-2-08
 Location of Incident: APT 3
 Type of Accident:
 (Check all that apply): () Injured Person Property Damage () Automobile Accident

Injured Person

Occupation: S Employed by: _____
 Did you see a doctor? Yes () No () Doctor's Name: _____
 Were you hospitalized? Yes () No () Hospital: _____
 Have you returned to work or school? Yes () No () Age: _____
 Probable disability period: _____
 Why were you on the premises? _____

Describe incident (nature & extent of injury): _____

Name of police officer or governmental authority this was reported to: _____

Property Damage

List property damaged: Property ~~to~~ followed
 Age of damaged property: _____
 Estimated cost of repair: _____
 How was property damaged? CITY SEWER MAIN

Automobile Accident

Driver, if other than owner: _____
 Address: _____ Home Phone: _____
 Estimated cost of repair: _____ Business Phone: _____
 Vehicle: (year, make, model): _____
 Name and Department of governmental employee involved in accident: _____

Where did accident take place? _____

Your description of accident and damage: _____

(Attach copy of Police Report)

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1-2-08
Date

City of Rapid City

Ronald Halverson
 Claimant

A RESOLUTION ESTABLISHING A POLICY WHEREBY THE CITY OF RAPID CITY SHALL REIMBURSE OWNERS OF THE COST OF COMMERCIAL CLEANING OF PROPERTY DAMAGED BY SEWER BACKUPS AND ESTABLISHING LIMITS THEREON.

WHEREAS, from time to time a blockage of a portion of the City's sewer system causes sewage to backflow into private buildings without fault on the part of the City; and

WHEREAS the City has no legal liability for such events not occasioned by negligence on the part of the City; and

WHEREAS homeowner's insurance typically does not cover the damage for such events; and

WHEREAS the City finds that the public health, safety, and interest would be served by having property damaged by sewer backup flows cleaned by commercial cleaners

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby declares the following policy:

1. The City shall reimburse the owner or occupant of a private building which is damaged by the backflow of sewage from the City sewer system into such building for the cost of commercial cleaning or the cost of rental of commercial cleaning equipment made reasonably necessary by such event.
2. The amount of such reimbursement shall not exceed Three Dollars (\$3.00) per "affected" square foot per event and shall be limited to the cost of commercial cleaning only, with no payment for loss damage, or replacement of real or personal property. Any reimbursement above Five Thousand Dollars (\$5,000) requires Council approval. Alternatively, the City shall reimburse such owner or occupant for the cost of rental of cleaning equipment, not to exceed Two Hundred Dollars (\$200).
3. No reimbursement shall be made if the Public Works Director shall determine that the obstruction occurred in the service line of the building or was otherwise caused by the action of the owner, occupant, or guest.
4. As a pre-condition for such reimbursement, the owner or occupant shall execute a full release and hold harmless agreement releasing and indemnifying the City from any liability arising from the event.
5. If the owner or occupant shall file any claim, other than for reimbursement under this policy, the amount to be reimbursed shall be reduced by the amount of the expense incurred by the City, including insurance adjuster's charges.
6. No agent of the City is authorized to make any representation regarding the City's policy, except to provide copies of this resolution.

7. The City and its agents shall not recommend any particular commercial cleaner; however, the Public Works Department may provide a list of commercial cleaners who have expressed willingness to do such cleanup work.
8. Any reimbursement under this policy shall be made only to the owner or occupant and shall, in no event, be made directly to a commercial cleaner.
9. The City Council of the City of Rapid City shall, in any event, be the authority in determine any interpretation, exception, appeal, or other issues relating to this policy or the operation of the sewer system.
10. For more information on filing a claim, please contact Utility Maintenance at (605) 394-4163.

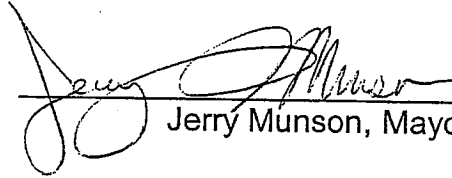
Dated this 17 day of Feb., 2003.

CITY OF RAPID CITY

ATTEST:



James F. Preston
Finance Officer



Jerry Munson, Mayor

(SEAL)

(Retroactive to December 1, 2002)