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August 27, 2019

Brian Ledbeter
11848 3rd Street
Blaine, MN 55434

RE: LMCIT CLAIM #: GL 92215
TRUST MEMBER: CITY OF BLAINE
D/OCCURRENCE: 7/28/19

Dear Mr. Ledbeter:

The League of Minnesota Cities Insurance Trust (LMCIT) provides general liability coverage to our trust member, the City of Blaine. I have concluded my investigation into the sewer back up that affected your home and determined that the City of Blaine was not negligent with respect to the maintenance and inspection of the City's sanitary sewer system. The City's response to the sewer back up was also proper.

The City of Blaine has a maintenance program to clean their sanitary sewer lines every five years. The most recent maintenance of the sewer line in question was performed in 2017. The City found no issues in the sewer line during their routine maintenance. The City also has no prior history of any sewer backups within this sewer line since its installation in 1973.

The City determined that someone shoved sticks into a manhole which caused this sewer backup. As soon as the City received notice of this sewer backup, they responded immediately and removed the sticks. The sanitary sewer system is an open system and occasionally people who use the system put foreign debris into the system which creates issues for others. There is no way the City can absolutely prevent this from happening.

The City of Blaine is not automatically responsible for resulting damages when their sewer backs up. The City is only liable for those damages if the City's negligence caused the backup. For the City to be found negligent, the following facts must exist: 1) There was a defect in the City's sewer system, 2) The City had notice of the defect, 3) The City failed to remedy the defect in a reasonable amount of time, 4) The failure to remedy the defect within a reasonable amount of time was the direct cause of the damages.

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Through my investigation, I found that the facts of this loss do not meet the criteria stated above. Therefore, I must respectfully deny liability on behalf of the City of Blaine for your claimed damages.

If you have any questions, you can also contact me at my direct dial (651) 215-4060.

Sincerely,

Phillip S. Trebatoski
Claims Adjuster

c: Linda Sapp, City of Blaine
Associated Benefits and Risk Consulting