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**IMMUNITY - MINNESOTA**

## Magnolia 8 Properties, LLC v. City of Maple Plain

**Court of Appeals of Minnesota - April 17, 2017 - N.W.2d - 2017 WL 1375303**

Property owner brought action against city, seeking compensatory and punitive damages for nuisance, trespass, strict liability, and negligence associated with damage caused by a water leak.

City filed motion for summary judgment. The District Court granted the motion with respect to the trespass claim, but otherwise denied it. City appealed.

The Court of Appeals held that:

- City's decision to promptly respond to water-main leaks and conduct repairs as soon as possible was entitled to statutory immunity;
- City's decision to use heavy machinery to repair sewer line was not entitled to statutory immunity; and
- As a matter of first impression, discretionary-acts exception to municipal liability is absolute and shields a municipality's planning-level decisions from strict-liability claims.

City's decision to promptly respond to water-main leaks and conduct repairs as soon as possible involved economic considerations and constituted a planning-level decision entitled to statutory immunity in action brought by property owner after water main cracked and flooded the property. despite receiving grant funding, city could not separately fund water-main reconstruction near Owner's property until it had identified developer for entire project, mere fact that hazardous condition existed did not make city's policy operational conduct, and city supported its statutory-immunity argument with several exhibits that demonstrated that it based its maintenance policy on economic factors.

City's decision to use heavy machinery to repair sewer line was operational in nature, and therefore, was not entitled to statutory immunity with respect to claims by property owner that city's use of heavy machinery caused nearby water main to crack and flood his property.

Discretionary-acts exception to municipal liability is absolute and shields a municipality's planning-level decisions from strict-liability claims.

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