



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: SC-1314-3

File ID: SC-1314-3 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item No. 20 **In Control:** City Council

Department: Legal Department **Cost:** \$2,349.43 **File Created:** 07/11/2013

File Name: Special Claim of Mike Biehler **Final Action:**

Title: SPECIAL CLAIM NO. SC-1314-3: A CLAIM IN THE AMOUNT OF \$2,349.43 SUBMITTED BY MIKE BIEHLER FOR DAMAGES TO HIS VEHICLE DUE TO AN ACCIDENT WITH A SANITATION TRUCK AT THE INTERSECTION OF JENKINS AVENUE AND LINDSEY STREET.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-3; and, if approved, direct payment in the amount of \$2,349.43 contingent upon obtaining a Release and Covenant Not to Sue from Mike Biehler.

ACTION TAKEN: _____

Agenda Date: 07/23/2013

Agenda Number: 20

Attachments: Clerk Memo Biehler, Biehler Claim, Biehler Police Report, Biehler Title

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayne.rowe@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1314-3

Body

BACKGROUND: A claim has been filed by Mike Biehler in the amount of \$2,349.43 for damages to his vehicle, tow charges and rental charges due to an accident on May 9, 2013, when his vehicle, driven by his son Chris, was struck by a City of Norman sanitation truck at the corner of Lindsey Street and Jenkins Avenue .

DISCUSSION: This incident was investigated by Gary Seal, Utilities Supervisor. According to his investigation and the official accident report, Chris Biehler's vehicle was stopped at a red light in the northbound lane of Jenkins Avenue near its intersection with Lindsey Street. Chris Biehler was waiting to change lanes into the turn lane in order to go westbound on Lindsey Street. A City of Norman sanitation truck was also northbound on Jenkins Avenue approaching Lindsey Street when he crossed into the yellow hash marks of the turn lane. When the red light changed, Chris Biehler began merging into the left turn lane at the same time the sanitation truck began moving forward from the yellow hash marks in the turn lane. Although the City driver applied his brakes to avoid the collision, the brakes locked up and the truck struck Mr. Biehler's vehicle.

Therefore, 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. The amount claimed by Mr. Biehler appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by Mike Biehler for damages to his vehicle, tow charges and rental charges in the amount of \$2,349.43, as above set forth, be approved.