



City of Norman, OK

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

Master

File Number: SC-1314-14

File ID: SC-1314-14 **Type:** Special Claim **Status:** Agenda Ready

Version: 2 **Reference:** Item No. 18 **In Control:** City Council

Department: Legal Department **Cost:** \$5,629.56 **File Created:** 02/03/2014

File Name: Claim of Ernest B. and Karen J. Helin **Final Action:**

Title: SPECIAL CLAIM NO. SC-1314-14: A CLAIM IN THE AMOUNT OF \$5,629.56 SUBMITTED BY ERNEST B. AND KAREN J. HELIN FOR DAMAGES TO A TIRE ON THEIR VEHICLE AND INJURIES RECEIVED AFTER LOSING CONTROL OF THEIR VEHICLE ON OAK TREE AVENUE AFTER DRIVING THROUGH HYDRAULIC FLUID LEAKED BY A SANITATION VEHICLE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1314-14; and, if approved, direct payment in the amount of \$5,629.56 contingent upon obtaining a Release and Covenant Not to Sue from Ernest B. and Karen J. Helin.

ACTION TAKEN: _____

Agenda Date: 02/11/2014

Agenda Number: 18

Attachments: Special Claim Ernest and Karen Helin.pdf, Invoice from Spears Chiropractic.pdf, Invoice from Ron's Automotive.pdf

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayne.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File SC-1314-14

Body

BACKGROUND: A claim has been filed by Ernest B. and Karen J. Helin for damage to the front driver's side tire of their vehicle in the amount of \$169.56 and medical expenses in the amount of \$2,730 each for a total of \$5,629.56 due to an incident that occurred on October 18, 2013 when they were following a City of Norman sanitation truck that began leaking hydraulic fluid. Their vehicle traveled through the hydraulic fluid causing Mrs. Helin, who was driving, to lose control of their vehicle which then jumped the curb and continued across a sidewalk and into a grassy area.

DISCUSSION: This incident was investigated by Gary L. Seal, Utilities Supervisor. According to his investigation, the sanitation truck was traveling northbound on Oak Tree Avenue near 12th Avenue NE when the sanitation truck began to leak hydraulic fluid due to equipment failure. The Helin's were driving behind the sanitation vehicle and the resulting hydraulic spill caused the Helin's vehicle to spin out of control. Once the

driver of the sanitation truck became aware of the leak, he immediately parked the sanitation truck, contacted his supervisor and other City vehicles arrived at the scene to clean up the spill.

As a result of the Helin's vehicle jumping the curb, their vehicle was not drivable and had to be towed to a repair company. At the automotive shop, their tire and wheel were checked and the shop realigned the front alignment. The charges from the automotive shop for the towing and the check and realignment of the front tire totaled \$169.65.

Additionally, since their vehicle spun 360° and partially departed the roadway, both Mr. and Mrs. Helin suffered cervical sprain and were treated by Michael Spears, D.C.. Dr. Spears has now fully released both Mr. and Mrs. Helin and provided invoices in the amount of \$2,730 each for treatment rendered to both Mr. and Mrs. Helin. The total of Mr. and Mrs. Helin's medical treatment is \$5,460.

There appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City.

RECOMMENDATION: Based upon the above, it is recommended by the City Attorney's Office that the settlement of Ernest B. and Karen J. Helin's claim in the total amount of \$5,629.56 be approved by Council.