



## Legislation Details (With Text)

**File #:** SC-1819-8    **Version:** 1    **Name:** Special Claim from Alan & Lynette Friedemann  
**Type:** Special Claim    **Status:** Passed  
**File created:** 1/14/2019    **In control:** City Council  
**On agenda:** 1/22/2019    **Final action:** 1/22/2019  
**Title:** SPECIAL CLAIM SC-1819-8: SUBMITTED BY ALAN AND LYNETTE FRIEDEMANN IN THE AMOUNT OF \$3,320.55 PLUS POSSIBLE ADDED EXPENSES FOR DAMAGE TO THEIR VEHICLE AS A RESULT OF AN INCIDENT WITH A CITY SANITATION VEHICLE ON DECEMBER 17, 2018.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Text File, 2. City Clerk Memo, 3. Notice of Tort Claim, 4. Repair Estimate, 5. Rental Estimate, 6. Police Report - Redacted

Date	Ver.	Action By	Action	Result
1/22/2019	1	City Council		

SPECIAL CLAIM SC-1819-8: SUBMITTED BY ALAN AND LYNETTE FRIEDEMANN IN THE AMOUNT OF \$3,320.55 PLUS POSSIBLE ADDED EXPENSES FOR DAMAGE TO THEIR VEHICLE AS A RESULT OF AN INCIDENT WITH A CITY SANITATION VEHICLE ON DECEMBER 17, 2018.

**BACKGROUND:** A claim was filed by Alan and Lynette Friedemann in the amount of \$3,638.05 plus possible additional amounts for damage to their van when it was struck by a City sanitation truck on December 17, 2018, at the intersection of 12<sup>th</sup> Avenue Northeast and Franklin Road.

**DISCUSSION:** This incident was investigated by Terry Richmond, Utilities Supervisor, who found on December 17, 2018, Claimants' van was stopped for a traffic light on Franklin Road at 12<sup>th</sup> Avenue Northeast. Also at this intersection and stopped behind the Claimants was a City sanitation employee who was driving a trash truck. When the traffic light turned green, Claimants and the employee began driving forward; however, Claimants then slowed and the employee was unable to stop before striking the back of Claimants' van.

Claimants provided three (3) estimates to repair damage to the tailgate and rear bumper of their 2011 Honda Odyssey van, with the lowest estimate totaling \$3,320.55. Claimants may request a supplemental payment for additional expenses if further damage related to this incident is discovered after the van enters the body shop and/or car rental expense when the vehicle is being repaired.

The average value of the van is \$8,166.00 but total repair costs will be less than this amount. 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. This claim in the amount of \$3,320.55, plus possible additional amounts as stated above, appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Alan and Lynette Friedemann, in the initial amount of \$3,320.55 as set forth above, be approved.