



**Request for City Council Committee Action
From the City Attorney's Office**

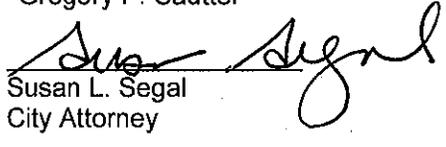
Date: May 16, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: Theresa Flagg v. City of Minneapolis – Claim

Recommendation: That the City Council approve settlement of this claim by payment of \$21,000.00, payable to Gislason, Martin, Varpness & Janes P.A. from Fund/Org. 06900 1500100 145937 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None

Prepared by: Gregory P. Sautter ^{GPS} Phone: (612) 673-2683

Approved by: 
Susan L. Segal
City Attorney

Policy Review Group (PRG) Approval ___ Date of Approval ___ Not Applicable X

Presenter in Committee: Susan L. Segal, City Attorney

- Financial Impact:**
- No financial impact (If checked, go directly to Background/Supporting Information).
 - Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget.
 - Action provides increased revenue for appropriation increase.
 - Action requires use of contingency or reserves.
 - Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.
 - Other financial impact (Explain): \$21,000.00 from Fund/Org. 06900 1500100 145937
 - Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent claim arise out of a trip and fall that occurred on April 30, 2008. At that time, Theresa Flagg was walking on the north sidewalk of 6th Street, directly adjacent to the Minneapolis Armory, when she fell on an alleged defect in the sidewalk and suffered injuries.

As a result of the fall Ms. Flagg allegedly suffered a fractured ankle and an injury to one knee, incurring medical expenses in excess of \$6,100.00. Future medical expenses related to the fall are alleged. Additionally, Ms. Flagg allegedly sustained in excess of \$2,100.00 in injury related wage loss. Ms. Flagg continues to this date with pain complaints which she alleges are fall related.

Following extensive negotiations Ms. Flagg has agreed to settle all of her claims against the City for a single payment in the amount of \$21,000.00. This proposed settlement has been discussed with the Public Works Department and it is in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.