



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

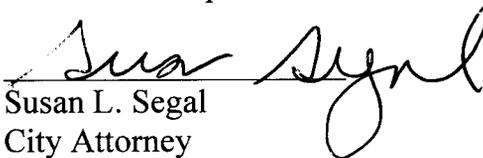
Date: July 27, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: Auto-Owners Insurance Co. v. City of Minneapolis
Court File No.: N/A

Recommendation: That the City Council approve the settlement of this case by payment of \$6,047.45 payable to Auto-Owners Insurance Co., from Fund/Org. 06900-1500100-145685 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

Prepared by: Sara J. Lathrop Phone: (612) 673-2072

Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact:(Check those that apply)

- 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): \$6,047.45 from Fund/Org. 06900-1500100-145685
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This is a subrogation claim arising out of a motor vehicle accident that occurred on December 10, 2007 between a public works driver and a private citizen. The current claim is from the citizen's insurance claim for no-fault benefits paid in the amount of \$6,074.45.

The citizen, Lynda Gronberg, was traveling west on 58th Street and entered the intersection at Lyndale Avenue South with a green light when she was struck by a City of Minneapolis front end loader that ran the red light. The City employee admitted that he entered the intersection on the red light stating to police on the scene that "the light was about to turn green" when he entered the intersection. Minneapolis Police Officer Jeremy Hulke noted "Disregarded Traffic Control Device" on the part of the City driver in the Accident Report. This was a substantial collision that caused the airbags in Ms. Gronberg's vehicle to deploy. Her vehicle sustained severe damage, was towed from the scene, and was noted as totaled by the responding officer.

As a result of the crash, sixty-three year-old Lynda Gronberg sustained significant injuries and lost wages. The City previously negotiated a settlement for the personal injury claim asserted by Ms. Gronberg for \$35,000.00.

The current claim is for the no-fault benefits paid to her by her insurer, in the amount of \$6,074.45. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.