



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

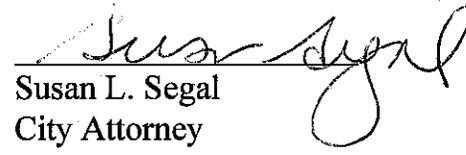
Date: January 17, 2011  
To: Ways & Means/Budget Committee  
Referral to:

Subject: Heather Jo (Goff) Burke v. Jerdee and City of Minneapolis  
Court File No.: 27-CV-10-00626

**Recommendation:** That the City Council approve the settlement of this case by payment of \$85,000.00 payable to Heather Jo (Goff) Burke and her attorneys, Schwebel, Goetz & Sieben, 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: Thomas J. Miller Phone: (612) 673-2897

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): \$85,000.00 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 matter and subsequent claim arise out of a motor vehicle accident that occurred on April 23, 2007. At that time and place, Heather Jo (Goff) Burke was proceeding eastbound on Interstate Highway 94 three miles west of 95<sup>th</sup> Avenue in Maple Grove operating her 2006 Ford Focus. A city truck, operated by Paul Duane Jerdee, was also then proceeding eastbound on Interstate Highway 94. As traffic began to slow suddenly, City employee Jerdee was unable to avoid rear-ending the (Goff) Burke vehicle, pushing it into a vehicle ahead. State Patrol Sergeant Brian L. Polansky responded to the scene of the collision and in his accident report noted "driver inattention/distraction and illegal/unsafe speed" on the part of the City employee as the sole causes of the accident.

As a result of the crash, twenty-four year-old Heather Jo (Goff) Burke sustained injuries and in excess of \$51,652.80 in treatment expenses. She continues to suffer significant difficulties as a result of her injuries.

Following a mediation and extensive negotiations with her attorney, we have reached a tentative settlement of Ms. (Goff) Burke's personal injury claim against the City in the amount of \$85,000.00. 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.

TJM / 07-13704