

Members Present: Geick, Pinion, Schauf    Others Present: Truman, Giese  
Citizens Present: Jennifer Loveless

Geick called the meeting to order at 3:00 p.m. and noted compliance with the Open Meeting Law. Moved by Schauf, seconded by Pinion and carried to adopt the agenda and carried unanimously. Moved by Pinion, seconded by Schauf to approve the minutes of January 16, 2017 and carried unanimously. The Committee met in open session.

Jennifer Loveless, personal injury, 5-5-17

Claimant was present. The claimant states that she fell on the sidewalk, fracturing her elbow and has submitted her medical bills totaling \$5,334.54. She stated that she fell just past the Fairway Mortgage property near a light pole on 4<sup>th</sup> Street. Following the injury and trip to the hospital, she reported the injury to the police. When questioned what she was carrying at the time of the fall, she stated that she was walking to her car, digging in her purse for her keys, around noon. It was a bright sunny day and she walks that area numerous times. Her foot stepped onto the seam in the sidewalk between two stones and the pavement heights were uneven. She rolled her ankle and fell on her elbow and knee. She has no insurance. Claimant left the meeting.

The Committee discussed the claim, noting that the sidewalk had been marked for 2017 maintenance just several weeks before the fall. Chief Schauf stated that the incident was on the City's video but that it had been mistakenly erased. Prior to it being erased, Officer Haas had viewed the video. Chief Schauf called him to attend the meeting. Officer Haas stated he recalled her walking on the sidewalk and thinks she had something in her hands but could not specifically recall what it had been. He does recall that she fell hard. Officer Haas left the meeting.

The Committee agreed that the City had notice of sidewalk deficiency given that it had been marked for maintenance. Moved by Schauf, seconded by Geick and carried unanimously to pay the claimant \$5,334.54 as submitted.

Mathew Milison, auto damage, 1-3-17, \$1271.85

Claimant was not present. The Committee reviewed the claim and accident report and noted that the car was parked illegally per the alternate side parking restrictions. The Committee acknowledged that the garbage truck slid on ice into the parked vehicle. Due to the alternate side parking restriction violation, the committee felt the owner had some negligence. Moved by Schauf, seconded by Pinion to pay the claimant 60% of the lowest cost claim, less sales tax, and carried unanimously.

Adjournment - Moved by Schauf, seconded by Pinion and unanimously carried to adjourn at 3:45 p.m.

Cheryl Giese,  
City Clerk-Finance Director