

★ Roll Call Number

Agenda Item Number

33

Date April 21, 2008

Communication from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.00.

MOVED BY \_\_\_\_\_ to receive, file and affirm settlements made by City Attorney.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

April 21, 2008

HONORABLE MAYOR AND MEMBERS OF  
THE DES MOINES CITY COUNCIL

Re: Report to Council

Pursuant to the authority and direction of Council authorizing the City Attorney to settle claims, lawsuits and workers compensation actions for a total sum not to exceed \$5,000, I submit to Council the following summary report of settlements made:

PEARL VAN FLEET, \$1,481.05 and \$293.90 in payment of worker's compensation claim regarding incident of 5/1/07 when the claimant, a school crossing guard, was struck by a car at East 14<sup>th</sup> Street and Hull Avenue and broken her leg.

RON AND KIM BOYLE, \$2,325.00 for property damage, clean up and labor for claim of 4/25/07 when sanitary sewer was obstructed at 2516 – 51<sup>st</sup> Street.

MELISSA SOSA, \$1,108.30 in payment of claim of 11/29/07 when police officer backed into claimant's parked car in the 600 block of Cherry Street.

ENTERPRISE RENT A CAR, \$115.40 for rental car expense associated with claim of 11/3/07 when fireman dropped a stretcher on parked vehicle at 5404 S.W. 15<sup>th</sup> Street.

ENTERPRISE RENT A CAR, \$75.40 for rental car expense resulting from claim of 11/8/07 when City driver made turn onto ML King Parkway at Douglas Avenue and struck claimant's vehicle.

HUSEIN SULJANOVIC, \$3,050.00 in payment of claim of 9/7/07 for property damage caused by obstructed sanitary sewer at 2506 56<sup>th</sup> Street.

LARRY J. ZEIGER, \$59.81 for mailbox that was damaged by City plow on 12/6/07 at 4231 Beaver Avenue.

ADAM ILVESS, \$1,544.89 for repairs to vehicle that was damaged on 12/15/07 when plow driver backed into parked car at 2810 Francis Drive;  
ENTERPRISE RENT A CAR, \$230.80 for rental car expense.

ROBERT J. GRAFTON, SR., \$1,802.86 for repairs to claimant's truck that plow driver struck on 12/22/07 when it was parked at Lay Street and Thompson Avenue.



LEGAL DEPARTMENT  
CITY HALL  
400 ROBERT D. RAY DRIVE  
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ALL-AMERICA CITY  
1949, 1976, 1981  
2003

CITY ATTORNEY

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KATHLEEN VANDERPOOL

ASSISTANT CITY ATTORNEYS

ANGELA T. ALTHOFF

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DAVID A. FERREE

GLENNA K. FRANK

GARY D. GOUDELOCK, Jr.

MICHAEL F. KELLEY

MARY A. LAUGHLIN

VICKY L. LONG HILL

STEVEN C. LUSSIER

KATHARINE J. MASSIER

CAROL J. MOSER

DOUGLAS P. PHILIPH

QWEST, \$742.83 in payment of claim of 11/26/07 when Public Work's crew struck phone lines at 432 East Miller.

DEANNA AND MIKE RICHARDSON, \$4,645.00 in payment of property damage claim of 12/28/07 when police officer struck claimant's van while trying to make a turn from University Avenue to Ohio Street.

TMC AUTO BODY, \$4,155.02 in payment of property damage claim of 12/15/07 when plow driver struck parked car at 2818 Francis Drive; ENTERPRISE RENT-A-CAR, \$605.83 for rental car expense; MICHAEL CUMMINGS, \$50.00 for tow bill.

KINMAN GLASS, \$254.16 to replace broken windshield that was damaged while City crews were removing snow with the aid of a conveyor belt on 12/19/07 and a chunk of ice or debris was thrown into windshield as claimant drove by SW Third Street, north of ML King.

DES MOINES WATER WORKS, \$856.12 for repairs to claimant's water stop box and driveway; City had replaced driveway approach and buried water stop box at 3318 East 12<sup>th</sup> Street.

LARRY E. WHITMORE, \$1,460.59 for repairs to claimant's truck that was hit by a snow plow on 12/23/07 while parked at 3700 S.W. 4<sup>th</sup> Street.

CHRISTOPHER WYSONG, \$106.40 in payment of property damage claim of 11/23/07 when garbage truck pickup arm struck tail light lens of car parked on S.W. Caulder.

TMC AUTO BODY, \$592.84 for repairs to claimant's vehicle resulting from incident of 12/18/07 when City driver pulled from stop sign at East 15<sup>th</sup> Street and Maury and struck claimant.

TMC AUTO BODY, \$111.50 in payment of claim of 1/15/08 when garbage collector struck claimant's parked vehicle at 1243 East 13<sup>th</sup> Street.

JEFFRY MILLS, \$90.10 for repair to claimant's vehicle resulting from incident of 1/10/08 when tamper fell from City truck in the 1800 block of East 23<sup>rd</sup> Street and damaged claimant's vehicle.

TMC AUTO BODY, \$1,120.80 in payment of claim of 1/17/08 when City plow truck struck claimant's vehicle on ML King Parkway at Boston; ENTERPRISE RENT-A-CAR, \$201.94 for rental car expense.

TODD MCCLISH, \$831.53 for plumber, carpet cleaning, carpet replacement and labor for claim of 11/4/07 when sanitary sewer was blocked and caused property damage at 2406 and 2408 SE 7<sup>th</sup> Street; SHEILA BROWN, \$450.00 for property damage; JULIE ANN AGEE, \$1,340.00 for property damage.

SARAH JENKINS, \$541.19 for repairs to claimant's vehicle resulting from claim of 11/29/07 when City Inspector rear-ended car on S.W. Ninth Street at Watrous.

HERTZ RENT A CAR, \$149.79 for rental car expense associated with claim of 10/13/07 when claimant's parked car was struck by dumpster being removed at the Animal Rescue League.

MICHAEL B. GARCIA, \$1,900.00 in payment of claim of 2/5/08 when claimant rear-ended a school bus and then a police officer rear-ended claimant in the 1900 block of S.W. First Street.

PROPERTY DAMAGE APPRAISERS, \$85.00 for an estimate of damages to claimant's vehicle resulting from incident of 2/4/08 when meter maid ran a red light at Third and Locust Streets and struck claimant's vehicle.

LONNIE T. SHANNON, \$77.10 for replacement of mailbox that plow driver struck on 12/1/07 at 2811 East Euclid Avenue.

MICHAEL HOUSEMAN, \$2,177.25 for a worker's compensation claim involving street maintenance employee that injured his knee when stepping out of his truck.

EUGENE COSNER, \$150.00 in payment of claim of 2/12/08 when Public Works crew was cleaning property at 511 E. 26<sup>th</sup> Street and a piece of metal from a conveyor struck vehicle.

ROBERT D. MILLER, \$58.27 in payment of claim of 2/6/08 when plow truck struck claimant's mailbox at 5513 South Union.

CLIFTON SLAUGHTER, A SINGLE PERSON, \$1,874.82 in settlement of bodily injury claim of 6/14/07 when claimant cut his foot on a broken piece of a depth marker at Ashworth Pool; MERCY MEDICAL CENTER, \$625.18 for medical expenses.

BONNIE KONRAD, \$250.00 for claimant's insurance deductible resulting from incident of 12/15/07 when snow, ice and debris were thrown from snow plow into claimant's vehicle; PROGRESSIVE INSURANCE COMPANY, \$688.24 for repairs to claimant's vehicle.

ELVERSON, VASEY & PETERSON, L.L.P., \$2,136.77 in payment of claim of 11/13/07 when claimant passed garbage truck and as claimant attempted to return to the left lane garbage truck started moving and claimant's vehicle struck City truck.

TONY MORO AUTOBODY, \$4,308.87 for damages to claimant's vehicle when police officer ran a stop sign and struck vehicle on 1/18/08 at East 7<sup>th</sup> and East Walnut Streets; ENTERPRISE RENT-A-CAR, \$359.51 for rental car expense; TIM JOHNSON, \$39.96 for deposit for rental car.

KIMBERLY HICKS, \$1,147.52 for damages to claimant's vehicle on 1/24/08 when police officer struck stopped van at East Grand Avenue and East 14<sup>th</sup> Street.

ROOSEVELT WATSON, \$901.50 in payment of claim of 12/29/07 when plow driver struck claimant's parked vehicle on 29<sup>th</sup> Street and Rutland Avenue.

KINMAN GLASS, \$281.72 to replace claimant's windshield that was damaged on 12/15/07 when a sand truck threw a rock or debris into claimant's windshield on Fleur Drive and Bell Avenue.

PEGGY R. FARREN, \$120.00 in payment of claim of 1/25/08 when City plow pushed snow off the M.L. King overpass onto claimant's vehicle that was traveling on I-235 and broke windshield.

BUTCH HUTCHISON, \$100.70 for claim of 2/6/08 when claimant struck with his snow blower a piece of snow plow edge that was in his driveway approach at 1302 S.W. Porter Avenue.

FRED LEAMING, \$500.00 in payment of claim of 2/7/08. City employee struck large snow pile in Public Works Solid Waste parking lot that employee claimed had not been cleaned for at least three days; reimbursement is for collision deductible for damage to vehicle.

MICHAEL HOUSEMAN, \$4,964.03 in payment of workers compensation claim resulting from incident of 9/10/06 when public works employee suffered carpal tunnel and wrist overuse from using vibratory maintenance tools.

DAVID LINDELL, \$1,119.13 for repair to claimant's vehicle resulting from incident of 2/5/08 when City snow plow threw a chunk of ice into vehicle parked at 1430 Beaver.

DENNIS SLOAN, \$2,450.00 in payment of claim from August of 2006 when police confiscated computers to determine if claimant had committed identity theft and police did not return computers to claimant.

WADE COPIC, \$1,724.54 in payment of property damage claim of 2/15/08 when recycle truck backed over parked vehicle at 5710 Allison Avenue.

MARK DILSAVER, \$1,780.99 for damage to claimant's vehicle resulting from incident of 2/7/08 when snow plow hit parked car at 4304 Pleasant Street.

DES MOINES EYE SURGEONS, \$299.00 to replace eyeglasses that claimant broke at the Community Center at 2011 Forest Avenue on 1/9/08 when she caught her toe on a chair and fell into a desk.

NORMA SALAZAR-MURILLO, \$150.00 in payment of claim of 11/21/07 when sanding truck struck the rear of claimant's stopped vehicle in the 100 block of East Hartford.

STATE FARM INSURANCE AS SUBROGEE OF JON WILLE, \$1,457.68 for damages caused to claimant's vehicle on 2/26/07 when City driver rear-ended a car driven by Benny Mott and pushed his car into Jon Wille's truck in the 2600 block of Fleur.

NAOMI AND WILLIAM SHIMER, INDIVIDUALLY AND AS WIFE AND HUSBAND, \$100.00 to settle bodily injury claim of 2/19/08 when police officer backed into trailer hitch of parked vehicle at East High School.

TMC AUTO BODY, \$1,340.46 for repairs to claimant's vehicle resulting from incident of 2/27/08 when plow driver struck parked car at 2722 Moyer Street.

FRED C. MULLER, \$52.43 to replace a mailbox that was damaged on 3/4/08 at 4236 Wilson when plow driver hit the mailbox.

MEGAN MCAFEE, \$500.00 as settlement of a claim for a radiator that was damaged on 12/22/07 when claimant hit a pothole at Third and Walnut Streets.

LYSA HUGHES, \$500.00 for insurance deductible resulting from incident of 2/26/08 when garbage truck slid on ice and hit parked vehicle in the 2100 block of S.E. 5<sup>th</sup> Street; ENTERPRISE RENT A CAR, \$1,198.74 for rental car expense.

MIDAMERICAN ENERGY COMPANY, \$795.87 in payment of claim of 2/7/08 when City driver backed into utility pole and line while trying to avoid unidentified driver coming towards him at 4515 Urbandale Avenue.

HOWARD KERNES, \$4,078.67 for worker's compensation claim of 2/3/06 when Public Works employee injured his wrist by repetitive use of the joystick while operating an automated garbage truck.

PAT KNUEVEN, \$915.78 for plumber's bills and labor regarding a sewer backup on 1/5/08 at 100 and 102 S.E. Kenyon Avenue.

TMC AUTO BODY, \$499.30 for repairs to claimant's vehicle as a result of incident on 1/16/08 when City plow struck claimant's vehicle while claimant was stopped at Watrous and Fleur; ENTERPRISE RENT A CAR, \$93.21 for rental car expense.

MARGUERITE WALSH, \$30.00 in payment of claim of 3/3/08 for mailbox that was damaged by snow plow on 3/3/08 at 5113 S.E. 31<sup>st</sup> Court.

OLIN ROBINSON, \$1,211.40 for repair to claimant's vehicle resulting from incident of 3/3/08 when City plow rear-ended claimant's van on Cornell Street at East Douglas.

T.J. POLLARD, \$503.50 in payment of claim of 2/22/08 when Fire medic driver struck claimant's parked car at 1101 Crocker Street.

CHRISTY LEA PRITCHARD, \$1,258.02 to repair damage to claimant's vehicle resulting from incident of 12/15/08 when animal control officer struck parked van in the 3200 block of N.E. Douglas.

JASON BENTLEY, \$1,013.12 to repair vehicle that was damaged when plow driver struck it while it was parked on 33<sup>rd</sup> and Clark Streets on 2/25/08.

AMY AND TYLER BELLER, \$2,850.00 in payment of claim of 11/30/07 when City driver rear-ended claimant at 41<sup>st</sup> Street and Forest Avenue.

SHEILA MINOGUE, \$84.75 for repair to claimant's windshield resulting from incident of 2/27/08 when sander truck threw rock or debris into windshield on Easter Lake Drive at S.E. 25<sup>th</sup> Street.

DANE ANDERSON, \$115.45 in payment of claim of 2/13/08 when police were conducting a search at a duplex at 4622 Euclid Avenue; the address of the other side of the duplex is 3515 47<sup>th</sup> Street and the police mistakenly damaged the door at that property.

JAMES SUTTON, \$1,692.00 for repairs to water stop box at 4324 Kingman Blvd.; the City replaced the sidewalk approximately three years ago and the damage was discovered in June 2007.

TMC AUTO BODY, \$2,892.50 for damages to claimant's vehicle on 3/3/08 when snow plow driver struck parked car at 4009 43<sup>rd</sup> Street; ENTERPRISE RENT A CAR, \$776.94 for rental car expense.

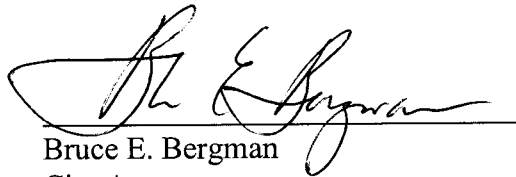
MEGAN VELEZ, \$3,000.00 in payment of property damage claim of 1/8/08 when sewer was obstructed with roots at 3910 Indianapolis Avenue.

TROY CAVIL, \$3,137.88 in payment of a workers' compensation claim of 9/20/07 when Public Works employee injured his knee when he slipped while getting out of a City vehicle.

MCCALL'S MONUMENT COMPANY, \$883.00 to replace gravestone that was damaged on 1/23/08 at the Glendale Cemetery when Parks employee was using a jackhammer to open a new grave.

KINMAN GLASS, \$230.52 for repairs to claimant's windshield resulting from incident of 1/29/08 when rocks from sander were thrown into windshield while he was driving on George Flag Parkway at Fleur Drive.

STATE FARM INSURANCE AS SUBROGEE OF R. USSERY, \$1,911.05 for repairs to claimant's vehicle resulting from incident of 12/08/07 when plow driver rear-ended car on S.E. 14<sup>th</sup> Street and Lacona.

  
Bruce E. Bergman  
City Attorney