

Date: May 18, 2009

WHEREAS, Michael Rote, a former City employee with the Public Works Department, Street Maintenance Division, injured his right shoulder on October 10, 2006; and

WHEREAS, Mr. Rote incurred this injury within the course and scope of his employment; and

WHEREAS, Mr. Rote has been paid the impairment rating of 6% and is entitled to additional payment for industrial loss;

WHEREAS, Mr. Rote, through his attorney, is willing to settle this workers' compensation claim by compromise settlement for the lump sum of \$58,154.27.

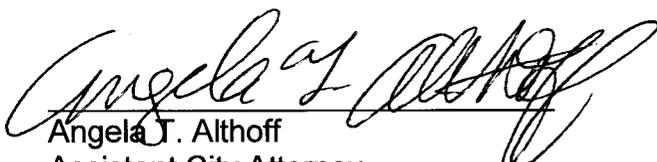
WHEREAS, it is the opinion of the Legal Department that such payment, representing 40% total industrial disability with a credit for the 6% previously paid, would be in the best interest of the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment of \$58,154.27 to Michael Rote and his attorney, Jerry Jackson, Moranville & Jackson, P.C., 1601 22nd St., Ste. 305, West Des Moines, IA 50266, be made and the same is hereby approved and the Finance Director is authorized and directed to draw a warrant accordingly under Fund Codes 529810 SP360 PWK040400.

FORM APPROVED:

MOVED BY _____ TO ADOPT


Angela T. Althoff
Assistant City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, Deputy 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.

MOTION CARRIED APPROVED

Mayor Pro Tem

Deputy City Clerk