

★ Roll Call Number

Agenda Item Number

32

Date..... July 9, 2007

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				

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

MOTION CARRIED

APPROVED

.....
Mayor

July 9, 2007

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:

Refund of liquor license fees paid in 2003 and 2004 for various stores in Des Moines; decided by an Iowa Supreme Court Decision: TIM FLANAGAN, \$350.00; BRIAN COONEY/COONEY'S TAVERN, \$350.00.

MIDAMERICAN ENERGY COMPANY, \$864.96 for damage resulting from incident of 2/16/07 when snowplow struck a utility pole at 420 East McKinley Avenue.

EIC ROOFING (Jeremy Blecker), \$135.57 for tire and wheel that was damaged when plow driver hit a parked trailer at 316 East Hughes.

TMC AUTO BODY, \$905.20 for property damage resulting from incident of 3/2/07 when a snow plow struck claimant's parked car at 241 S.E. Columbus; ENTERPRISE RENT-A-CAR, \$201.95 for rental car expense.

TED'S BODY SHOP, \$4,472.36 for repairs to claimant's vehicle that was struck by garbage truck on 3/1/07 in the 5800 block of Jordan Drive.

TERRY KEMP, was previously paid \$1,000.00 in payment of workers' compensation claim of 3/22/04 when City employee reported ankle and foot pain from getting in and out of his truck while repairing mailboxes; the injury resulted in surgery; an additional \$1,427.79 is now being awarded for unpaid time that cannot be reinstated.

MIDAMERICAN ENERGY COMPANY, \$1,450.45 for damage to utility pole that was struck by City driver on 2/16/07 at 2644 Easton Blvd.

R.J. CHARLTON, \$242.60 for plumber's call and clean up of property at 647 34th Street resulting from obstructed sanitary sewer on 1/31/07.

TMC AUTO BODY, \$541.31 for repairs to vehicle that was rear-ended by City driver on 2/20/07 on Penn Avenue; ENTERPRISE RENT A CAR, \$115.40 for rental car expense.



LEGAL DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IA 50309-1891
(515) 283-4130 Administration
(515) 283-4564 Litigation
FAX (515) 237-1643 Administration
(515) 237-1748 Litigation

ALL-AMERICA CITY
1949, 1976, 1981
2003

CITY ATTORNEY

BRUCE E. BERGMAN

DEPUTY CITY ATTORNEYS

MARK GODWIN

LAWRENCE R. McDOWELL

KATHLEEN VANDERPOOL

ASSISTANT CITY ATTORNEYS

ANGELA T. ALTHOFF

ROGER K. BROWN

ANN M. DIDONATO

DAVID A. FERREE

GLENN K. FRANK

MICHAEL F. KELLEY

MARY A. LAUGHLIN

VICKY L. LONG HILL

SUSAN A. LOW

STEVEN C. LUSSIER

KATHARINE J. MASSIER

CAROL J. MOSER

DOUGLAS P. PHILIP

KARL CHEVROLET, \$601.26 for repair of claimant's vehicle resulting from incident of 3/8/07 when police officer rear-ended a car at East 28th Street and Euclid Avenue.

ALLIED INSURANCE COMPANY AS SUBROGEE OF MIKE LARISON, \$4,109.84 in payment of claim of 2/16/05 when sewer was obstructed at 3115 S.W. 13th Street and caused damage to furnace and water heater.

JENNY GARCIA, \$100.00 in payment of claim of 3/24/07 when police had vehicle towed from 1521 East 13th Street and tow truck damaged yard at 1519 East 13th Street.

PRO TEAM CARPET CARE, \$1,926.54 to clean carpet that was damaged when sanitary sewer was obstructed at 3506 SE Third Street.

GLADIS AGUIRRE, f/k/a Benitz, \$580.00 in payment of claim regarding City lien that was mistakenly charged against Carlos J. Benitez, former husband of this claimant.

TMC AUTO BODY, \$2,293.73 for repairs to claimant's vehicle that was struck by garbage truck pick up arm on 3/19/07 while parked on 38th Street at Clinton Avenue; ENTERPRISE RENT-A-CAR, \$557.10 for rental car expense

JOHN BERARDI, \$222.46 for plumber's call and cleanup at 4303 SW 14th Street resulting from obstructed sewer on 3/6/07.

MIDAMERICAN ENERGY COMPANY, \$994.13 for damage to utility pole that was struck by City driver on 3/9/07 at 3114 SW 13th Street.

JACK AND RHONDA BAILEY, \$794.77 for property damage, clean up and plumber's call at 215 East 23rd Street resulting from obstructed sanitary sewer on 2/17/07 and 2/18/07.

OSDI, \$1,359.59 for property damage caused by obstructed sanitary sewer at 1615 Second Avenue on 9/25/06.

RAMONA ROOS, \$1,392.97 for repair of vehicle that City plow driver backed into on 3/2/07 on 38th Street and Ingersoll Avenue.

DES MOINES WATER WORKS, \$555.00 for repair of water stop box at 1434 34th Street and \$555.00 for repair of water stop box at 1409 Germania; both boxes were damaged by Public Works crews during curb replacement on 2/6/07.

MARK HAGENBERG, \$746.54 in payment of property damage resulting from obstructed sanitary sewer on 3/22/07 at 3419 49th Street.

JERRY CORWIN, \$1,868.00 for property damaged resulting from obstructed sanitary sewer on 3/15/07 at 5516 S.E. 6th Street; PRO-TEAM CARPET CARE, \$2,621.65 for cleaning and sanitizing.

JENNIFER BENNETT, \$2,350.00 in payment of claim of 3/23/07 when Parks employee rear-ended claimant on East University Avenue.

BOB E. RICE, \$431.95 for damage to claimant's vehicle resulting from driving over iced-over furrow that was left by City plow on S.E. 8th and Miller Streets on 3/3/07.

ERIC AND CINDY WILLSON, as Parents and Legal Guardians of Minor Myles Willson, \$2,182.56 for bodily injury claim of 7/14/06 when police officer struck vehicle on S.W. 9th Street at Spring Street; FARMER'S INSURANCE GROUP, \$2,817.44 for medical subrogation.

ANTHONY CIANCIARUSO, \$150.00 in payment of claim of 4/27/07 when City garbage truck struck fence at 5440 S.W. 13th Street.

TRUDI O'CONNELL, \$237.07 for replacement of fence that was damaged by City snowplow on 3/2/07 at 637 34th Street.

VIRGINIA A. THIEL, \$1,308.60 for damages to claimant's vehicle on 4/25/07 when City driver backed into claimant's car at South Union and Maxwellton.

DES MOINES-WINTERSET MEMORIALS, \$440.00 to replace memorial that claimant discovered on 4/23/07 that had been damaged by City mowing crews in Laurel Hill Cemetery.

TERRY AND AARON SHAW, \$3,601.00 for property damage resulting from obstructed sewer on 3/19/07 at 2409 Williams Street.

MARILYN SUE SPARKS, \$2,200.00 for damage to claimant's home at 3325 Hubbell on 4/3/07 when a tree fell on the home.

MIDAMERICAN ENERGY COMPANY, \$1,204.16 for damage to utility pole on 1/15/07 at 685 Harwood Drive when snowplow driver struck the pole.

DES MOINES ROCK OF AGES MEMORIALS, \$180.00 to replace vase that was broken during snow removal operations at Laurel Hill Cemetery and discovered in March, 2007.

DR. TIM COCHRAN, \$148.00 for bodily injury claim of 3/16/07 when police officer rear-ended claimant on Fleur Drive at Park Avenue.

LEE ANN TAYLOR, \$314.82 to repair damaged vehicle resulting from incident of 5/1/07 when Public Works employee struck parked van at 4136 East 10th Street.

BROWN'S DIRT WORKS, LLC, \$1,047.00 to repair water stop box at 5506 SE Sixth Street that was damaged by City crews on 5/1/07 while they were replacing the sidewalk.

ROBERT FISCHER, \$85.00 for lost property resulting from incident of 4/21/07 when Fire Department employees threw away his DVD player or radio when claimant was transported in an ambulance to Broadlawns Hospital.

RON BRENIZER, \$3,088.66 in payment of property damage claim of 5/11/07 when City employee backed from Quick Trip parking spot at 3941 SE 14th Street into claimant's vehicle.

KELLI AND JAMES HOWARD, \$400.00 for damaged caused to claimant's vehicle on 5/23/07 when re-tread tire came lose from garbage truck and struck claimant's vehicle on I-235.

TRAVIS PREU, \$1,266.41 in payment of claim of 4/30/07 when police officer struck claimant on 5th Avenue; claimant started right turn and then stopped as sign stated "no turn on red".

MICHAEL PAGE OR BIRCHWOOD APARTMENTS, \$150.00 for property damage claim of 4/20/07 when ambulance backed into handrail and concrete step at 3720 ML King Parkway.

TMC AUTO BODY, \$712.31 for damage to claimant's vehicle when police officer rear-ended claimant on 5/30/07 on Easton Blvd. at Hubbell.

CENTRAL IOWA MONUMENT, \$140.00 in payment of claim for damage to cemetery vase caused by crews and discovered 2/21/07 at the Laurel Hill Cemetery.

ENTERPRISE RENT A CAR, \$188.65 for rental car expense resulting from incident of 2/14/07 when snowplow struck claimant's parked vehicle at 1103 Walker.

YOLANDA ORTIZ, \$1,187.31 in payment of plumber's calls and labor for clean up for property damage resulting from numerous sewer backups (1/5/02, 2/2/03, 10/11/03, 5/4/04, 1/31/05, 9/2/05, 7/5/06, 12/27/06 and 2/6/07) at 410 Hartford.

TMC AUTO BODY, \$474.43 for repairs to claimant's vehicle resulting from incident of 5/21/07 when rock was thrown from mower into vehicle at 5900 S.W. 56th Street.

CHARLES GABUS FORD, INC., \$1,483.96 for repairs to vehicle that was damaged when police officer backed into the parked car on 6/2/07 in the 1700 block of 8th Street.

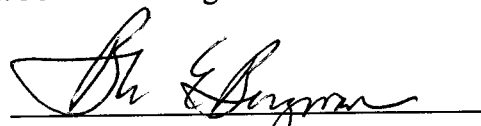
KAREN L. STUBBS, \$5.00 for damaged vanity plate resulting from incident of 5/22/07 when parks employee backed into claimant's car at SE 14th and Indianola; TMC AUTO BODY, \$965.15 for repairs to vehicle.

MIDAMERICAN ENERGY COMPANY, \$354.42 for repairs to utility pole that public works driver struck on 4/9/07 on 30th and Payne Streets.

ROBERT A. GRAHAM, \$485.00 in payment of claim of 4/25/07 when sanitary sewer was obstructed at 2708 51st Street and caused property damage.

BEVERLY M. DAVISSON, \$10.00 for extension cord thrown away due to sewer backup at 3921 S.W. 28th Place on 5/21/07; PRO TEAM CARPET CARE, \$453.84 for cleaning of carpet.

DES MOINES WATER WORKS, \$555.00 for repair of water stop box that Public Works crews covered with a sidewalk in the fall of 2006 at 3847 Cambridge.


Bruce E. Bergman
City Attorney