

★ **Roll Call Number**

Agenda Item Number

25

Date..... October 27, 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				
VCLASSIS				
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

October 27, 2008

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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:

BONNIE'S BARRICADES, \$650.48 in payment of claim of 5/29/08 for damages to arrow board that was hit at 56th Street and Hickman.

HEATHER HOBERT-HOCH AND HER ATTORNEY E. RALPH WALKER, \$4,999.00 as settlement of lawsuit regarding incident of 10/26/04 when claimant was injured when she tripped over a construction cone that was placed in front of machinery being used to repair bridge at the Gray's Lake running trail.

CATRINA KING, \$407.30 for repairs to claimant's vehicle resulting from incident of 7/17/08 when police were at Wells Fargo Bank on Army Post Road arresting a man for forgery; when they placed him in the police car the car door struck the claimant's vehicle.

MICHAEL HUTCHINSON, \$1,607.53 for repairs to claimant's vehicle resulting from incident of 7/22/08 when City driver backed into car at the Quik Trip at 4024 Fleur Drive; ENTERPRISE RENT-A-CAR, \$229.75 for rental car expenses.

ROY COLLINS \$2,055.92 in payment of claim for damages regarding incident of 8/1/08 when City crews were working at Hubbell and 38th Street; claimant drove by and concrete was thrown from pile driver into claimant's car.

HUGH AND MAXINE WARNER, \$305.68 for plumber's call, clean up and property damage resulting from obstructed sanitary sewer on 4/25/08 at 1700 East 31st Street.

JEREMY LEHMAN, \$374.00 in payment of property damage claim of 6/13/08 when City employee's personal tool box was damaged when moved from the City Garage to the Airport in anticipation of flooding.



LEGAL DEPARTMENT
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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

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

ADAM HILL, \$2,926.47 for repairs to claimant's vehicle resulting from incident of 8/8/08 when City employee backed up at Center Street and 35th Street and struck claimant's vehicle.

MICHAEL NOLIN, \$150.00 in payment of claim of 6/13/08 when City employee's two-wheel dolly was lost after being removed from the City garage and taken to the Airport in anticipation of flooding.

CODY LEDEZMA, \$84.56 for reimbursement of impound and police fees associated with incident of 7/11/08 when claimant received a ticket for an expired license and her vehicle was impounded; the charges were dismissed because the claimant had until 7/26/08 to renew the license.

TODD E. FULLER, \$750.00 in payment of claim of 6/13/08 when City employee's tool box, parts cart and tool tower were damaged when they were moved from the City garage in anticipation of flooding.

QUIKTRIP CORPORATION, \$1,593.56 for repairs to fence and light pole that snow plow driver hit on 2/6/08 at 3700 Hubbell Avenue.

KATHERINE MORANVILLE, \$847.00 for property damage and expenses associated with obstructed sanitary sewer on 1/24/08 at 3730 Indianola Avenue.

KNOB HILL CONDO ASSOCIATION, \$486.70 in payment of claim of 7/7/08 for plumber's call when sanitary sewer was obstructed at 4037 East University Avenue.

ROBERT A. HUTCHISON, \$1,186.55 for repairs to claimant's vehicle resulting from incident of 8/17/08 when police officer attempted a u-turn at East 30th and Dean Avenue and struck claimant's vehicle; ENTERPRISE RENT A CAR, \$149.79 for rental car expenses.

JARVEY SORENSEN, \$850.00 for repairs to claimant's tool box that was damaged on 6/13/08 when City employee's tool box was moved from the City garage in anticipation of flooding.

MID AMERICAN ENERGY COMPANY, \$1,833.86 for repairs to gas line that was damaged by Public Works crew on 7/25/07 at 2121 Fleur Drive.

VINCENT CARBINO AND TMC AUTO BODY, \$522.00 for repairs to claimant's tool box that was damaged on 6/13/08 when City employee's tool box was moved from the City garage in anticipation of flooding; VINCENT CARBINO, \$83.74 for a new handle for the tool box because the old handle could not be repaired.

MARY AND LEONARD RIFE, \$5,000.00 in payment of property damage claim of 7/20/08 when City crews demolished a house at 1144 17th Street which caused sewer backups into claimant's house at 1148 17th Street.

MARGARET BARATTA, \$1,726.00 in payment of property damage claim of 6/19/08 when the sanitary sewer at 19 S.W. Kirkwood collapsed.

ROBERT ZERKEL, \$1,000.00 in payment of property damage claim of 6/13/08 when City employee's tool box was damaged while being moved from the City garage in anticipation of flooding.

LEE AND MARNA PRICE, \$3,884.55 for claim of 6/5/08 and 6/8/08 when sanitary sewer was obstructed at 1045 Cummins Parkway and caused damage to water heater, furnace, washer and dryer.

ANDREW WICKHAM, \$1,901.58 in payment of claim of 8/7/08 when City driver struck claimant's vehicle while attempting to change lanes on East 15th Street.

WENDEE GRIFFIN, \$3,650.25 in payment of property damage claim of 7/21/08; claimant leases space on the first floor of the parking ramp at 502 7th Avenue and while maintenance was being done an overhead pipe broke dumping water onto claimant's business.

GORDON GREGER, \$30.00 for damage to claimant's yard at 3810 Amick Avenue; the property is adjacent to Ashby Park which has a sewer intake that was blocked with limbs and debris on 6/5/08 and 6/8/08 and that blockage caused the water to flow into claimant's yard.

M.V.P. FENCE COMPANY, \$195.00 for repairs to fence that was damaged by City crews on 7/24/08 when they were removing a tree limb at 1190 10th Street.

STEVEN BELL, \$4,385.20 in payment of workers' compensation claim regarding incident of 3/19/08 when City employee injured his shoulder while jumping over a fence at 2002 Lyon Street in pursuit of a citizen who had assaulted him.

PAMELA CARDINES, \$4,406.25 in payment of claim of 9/16/08 when garbage truck struck parked car in the 2700 block of East 16th Street; ENTERPRISE RENT A CAR, \$493.44 for rental car expense.

DOROTHY DUNN, \$106.00 for auto detail work regarding claim of 8/13/08 when the City was painting white lines on Lower Beaver between Crestmoor and Skyline Drive and paint got on claimant's vehicle.

BOB SANDQUIST, \$40.00 for damage to claimant's gutters on 9/9/08 when pickup arm of garbage truck struck the gutters at 1030 East Shawnee.

JOHANNA AND BEN JONES, \$1,280.00 in payment of property damage claim of 6/5/08 when sanitary sewer collapsed at 716 Boyd Street.

RALPH SMITH AND TMC AUTO BODY, \$1,275.00 in payment of property damage claim of 6/13/08 when City employee's personal tool boxes and jack stand were damaged when moved from the City Garage to the Airport in anticipation of flooding.

SHAWN SEAMONDS, \$481.60 for plumber's calls and clean up labor regarding claim of 8/13/08 when the sanitary sewer had cracked and backed up at 4119 Muskogee.

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JOHN O. CARR, \$934.07 for repair to claimant's vehicle resulting from incident of 9/15/08 when roadway collapsed in the 1500 block of East Diehl Street and caused damage to vehicle.

ANGELA AUSTIN-HOWARD and TMC AUTO BODY, \$1,916.92 in payment of claim of 9/18/08 when police officer exited his patrol car to chase a suspect and left the door open and the car in gear and it struck a parked car and then this claimant's car at Ninth Avenue at Mary Street.

RANDY FRANKES, \$17.00 and RANDY FRANKES AND TMC AUTO BODY, \$207.00 in payment of claim regarding incident of 9/18/08 when curb replacement was being completed on 40th Street at Holcomb Avenue and curing compound overspray got on claimant's vehicle; claimant tried to get it off and spent \$17.00 at car washes, but ultimately had to take it to body shop to remove residue.

DES MOINES WATER WORKS, \$861.00 for repair to water stop box located at 1015 East Ninth Street resulting from damage that occurred in the spring of 2007 while City crew replaced the sidewalk on East Ninth Street.

KEVIN WALKER, \$775.00 in payment of property damage claim regarding incidents of 6/3/08 and 7/17/08 when overflow from easement flooded claimant's yard; claimant installed tile to lessen flow.

JEREMY LEHMAN, \$3,063.62 in payment of workers' compensation claim of 10/24/07 when City employee injured his left shoulder while swinging a hammer in the Fleet Services Shop.

JOHN JOHNSON, \$1,200.00 in payment of claim of 6/13/08 when City employee's tool box was damaged when being moved from the City Garage to the Airport in anticipation of flooding.

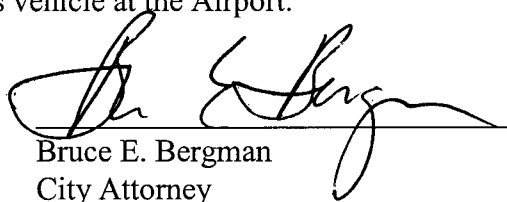
TMC AUTO BODY, \$237.40 to replace claimant's side mirror on his vehicle that was damaged by a snow plow on March 2, 3 or 4th, 2008 at 665 34th Street.

JAMES AND TONI CUNNINGHAM, \$770.00 in payment of claim of 6/6/08 for property damage resulting collapsed City sewer at 801 Boyd Street.

STATE FARM INSURANCE AS SUBROGEE OF LILA ALBRECHT, \$2,238.18 in payment of claim of 7/21/08 when a traffic signal at the corner of Water Street and Court Avenue fell on claimant's vehicle.

CASTINE I. DAYE, \$3,975.33 for property damage resulting from obstructed sanitary sewer on 5/26/08, 6/9/08, 7/13/08 and 7/20/08 at 1550 16th Street.

SUSAN MCNALLY, \$3,529.87 for repairs to claimant's vehicle resulting from incident of 10/13/08 when police officer backed into claimant's vehicle at the Airport.



Bruce E. Bergman
City Attorney