

★ **Roll Call Number**

Agenda Item Number

20

Date..... November 22, 2010

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				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

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

20

**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  
Vicky L. Long Hill  
Steven C. Lussier  
Katharine J. Massier  
Carol J. Moser  
Douglas P. Philip



November 22, 2010

**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:

ENTERPRISE RENT A CAR, \$186.47 for rental car expense resulting from property damage claim of 3/15/10 when City driver ran red light at Indianola and Park Avenue and struck vehicle.

MIDAMERICAN ENERGY COMPANY, \$1,113.74 in payment of claim of 3/16/10 when Public Works employee struck utility pole on at 3715 S.W. 9<sup>th</sup> Street.

SCOTTY'S BODY SHOP, \$834.42 for damage resulting from claim of 6/3/10 when City employee rear-ended a car that pushed into this claimant's vehicle on Army Post Road at South Union; ENTERPRISE RENT A CAR, \$89.88 for car rental expense.

JOLYNN K. EVANS, \$1,900.24 for damage to vehicle on 6/1/10 when claimant struck a broken "tooth" on the expansion joint on the Fleur Avenue bridge.

M.V.P. FENCE, \$131.00 to repair fence that was damaged by tree that fell on 6/14/10 at 299 49<sup>th</sup> Street.

DANIEL HEARN, \$4,200.00 in payment of claim of 6/1/10 when sewer line collapsed and broke claimant's water line at 1238 15<sup>th</sup> Place.

GARY LETZE, \$811.37 for damage to claimant's vehicle resulting from incident of 7/5/10 when identification technician backed from a drive at 2237 East Maple Street and struck parked pickup.

SCOTT JOHNSON, \$3,071.78 in payment of claim of 6/28/10 when police officer struck vehicle at Beaver and Douglas Avenues.

JULIE KAIN, \$500.00 in settlement of property damage claim of 7/5/10 when City tree fell on claimant's vehicle and on her tree at 2328 Amherst.

RHONDA DIXON, \$2,854.90 for cleaning and painting basement floor that was damaged on 6/12/10 due to obstructed sewer at 2914 49<sup>th</sup> Street.

BOB AND SANDRA NEFF, \$300.00 for property damage caused on 7/2/10 and 7/16/10 when the garbage truck struck chain link fence at 1920 Pleasant Street; M.V.P. FENCE, \$1,489.00 for repairs to fence that was damaged on 9/11/10.

JERRY JOHNSON, \$113.74 as payment for property damage resulting from incident of 7/27/10 when grader struck wooden fence at 2916 Cottage Grove.

AZRA VELAGIC AND ATTORNEY CHRISTOPHER COPPOLA, \$1,500.00 and MEDICAID AND ATTORNEY CHRISTOPHER COPPOLA, \$400.41 in payment of claim of 4/17/10 when claimant cut her foot on exposed bolts used to anchor picnic table in Riley Park.

LAURA LIGGINS, \$168.32 to repair claimant's fence that was damaged on 8/23/10 at 2804 First Street when road grader struck downed log and pushed it into fence.

YVONNE REED, CRAIG REED AND WILLIAM G. BREWER, THEIR ATTORNEY, \$3,333.00 as settlement of lawsuit a fall on 6/21/07 at the sidewalk in front of the bus shelter on the north side of the 300 block of Walnut Street.

PROGRESSIVE NORTHERN INSURANCE AS SUBROGEE OF A. HILDEBRAND, \$564.58 for damages to claimant's vehicle when police officer backed into a parked car on 8/2/10 in the 2700 block of Ingersoll Avenue.

DAVID AND BARB PADGETT, \$225.00 in payment of claim of 8/1/10 when tree limb fell on house at 2545 Arthur and damaged claimant's gutter.

MIDAMERICAN ENERGY COMPANY, \$585.18 in payment of claim regarding incident of 6/10/10 when sewer crew struck gas line with backhoe at 2706 54<sup>th</sup> Street.

DES MOINES WATER WORKS, \$600.91 for water stop box damaged 9/15/08 when it was damaged the City removed trees from 818 East 25<sup>th</sup> Court.

DRAKE GARAGE, \$490.01 in payment of claim of 9/8/10; Public Works crew had milled the street at 1507 Germania Drive and claimant backed from his driveway and damaged the radiator.

WAYNE AND VICTORIA WALKER, \$785.00 for property damaged resulting from blocked sanitary sewer on 3/11/10, 4/26/10, 5/12/10, 6/24/10, 6/26/10 and 6/27/10 at 1213 Porter Avenue.

PETE AND TINA KIMMEL, \$1,593.00 for property damage resulting from collapsed sewer on 8/16/10 at 2604 Maury Street.

GARY AND MARIE LADD, \$1,788.56 for property damage resulting from obstructed sanitary sewer on 5/13/10 at 207 S.E. Trowbridge.

ROBERT GOODS, JR., \$50.00 in payment of claim of 9/27/10 when garbage collector damaged claimant's hedge with the pickup arm of garbage truck at 1917 Lincoln Avenue.

TENA AND KENNETH NELSON, AS WIFE AND HUSBAND, \$625.00 for bodily injury claim of 8/11/10 when claimant fell at 319 Court Avenue; new tree had been planted but metal ring had not yet been installed.

HOBY GLENN GATSON, JR., \$1,000.00 for property damage on 9/27/10 when City driver backed into claimant's car; ENTERPRISE RENT A CAR, \$329.55 for rental car expense.

TMC AUTO BODY, \$3,253.95 for repairs to vehicle that police officer struck while backing up at 600 Holcomb Avenue on 9/10/10.

IGOR SPANOVIC, \$940.65 in payment of claim of 9/11/10 when City driver was collecting yard waste and struck claimant's parked car at 3806 Cottage Grove Avenue.

EPPING LAW OFFICE TRUST ACCOUNT AND STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, \$3,413.78 in payment of judgment awarded by the Court regarding a lawsuit for damages to a vehicle resulting from incident of 5/27/09 when the claimant was driving in the 1100 block of Bell Avenue on and struck a plate that the City had placed over a hole in the street.

TALYA OBUMSELI, \$200.00 for damages caused on 9/2/10 when tree fell and broke landscape lights and damaged a hand railing at 1112 10<sup>th</sup> Street.

JORDAN STUPKA, \$2,055.22 in payment of claim of 10/5/10 when claimant failed to see a stop sign on 36<sup>th</sup> Street at Cottage Grove because tree limbs were blocking the sign and claimant struck another vehicle.

MUBARAK YIMER, \$325.92 for cleaning, labor, bleach and damaged clothing resulting from obstructed sanitary sewer at 2500 Holcomb Avenue on 10/4/10.

JESSICA RENAUD, \$52.40 for plumber's call because of a sewer backup at 2825 Summit Vista Drive on 9/29/10.

LYNN EWING, \$250.00 for damage to claimant's vehicle on 10/11/10 when claimant parked her vehicle at the Airport; demolition of concrete nearby caused chips on the windshield and side glass.

JODY D. PETTINGER, A SINGLE PERSON, \$5,000.00 as settlement of claim of incident of 4/16/10 when City ambulance struck claimant's vehicle on 63<sup>rd</sup> Street at Winona.

MARCUS JOHNSON, \$954.57 in payment of claim regarding incident of 10/4/10 when police officer struck a chain link fence at the Des Moines International Airport and the fence then struck claimant's vehicle; M.V.P. FENCE, \$692.50 for repairs to fence.

CHRISTOPHER WILSON, \$1,727.81 for damages to claimant's vehicle on 9/29/10 when sprayer boom on parks truck was not secured properly and swung into claimant's vehicle on 17<sup>th</sup> Street.

TMC AUTO BODY, \$2,196.20 for repairs to claimant's vehicle; City driver backed into vehicle on 10/21/10 at S.E. 17<sup>th</sup> Street and Park Avenue; ENTERPRISE RENT A CAR, \$217.54 for rental car expense.

TMC AUTO BODY, \$260.00 in payment of claim of 10/19/10 when Grand Avenue was being repaved and claimant's vehicle received asphalt emulsion on it during the repaving.

STEW HANSEN'S DODGE CITY, \$863.69 in payment of claim of 10/19/10 for removal of asphalt emulsion and repairs to vehicle resulting from damage from asphalt emulsion during repaving of Grand Avenue.

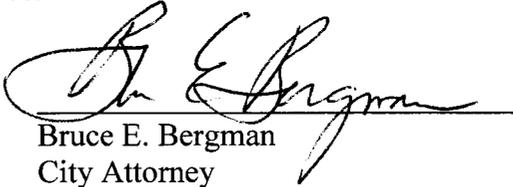
SMITH BODY AND PAINT, \$3,480.25 for repairs to claimant's vehicle resulting from incident of 11/1/10 when City driver rear-ended stopped car in the 2100 block of Grand Avenue.

ALAN'S SEAMLESS GUTTERS, \$220.00 for repairs to gutters that were damaged on 10/8/10 by the pickup arm of a garbage truck at 726 53<sup>rd</sup> Street.

NORANNE KELLER, \$381.14 for repairs to claimant's vehicle that police officer backed into on 9/29/10 in the 2700 block of Guthrie Avenue.

BIG T AUTO CREDIT, \$750.00 in payment of claim regarding incident of 9/23/10 when police property management sent notice of impounded car to incorrect address and vehicle was sold at auction.

ARDIS WICKER, \$150.00 in payment of claim of 11/9/10 when garbage collector struck tree at 2040 East Lyon and the tree fell on claimant's fence.

  
Bruce E. Bergman  
City Attorney