

★ Roll Call Number

Agenda Item Number

22

Date July 25, 2011

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

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYSMark 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

July 25, 2011

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:

MIDAMERICAN ENERGY COMPANY, \$1,779.80 in payment of property damage claim regarding incident of January 11, 2011 when City plow truck struck utility pole in the 3900 block of University Avenue.

JAYSON THOMPSON, \$125.00 for property damage claim; City crew cleaned adjacent property at 1659 Des Moines Street on March 16, 2011 and damaged fence at 510 East 17th Street.

M.V.P. FENCE, \$193.00 for repairs to claimant's fence that was damaged on March 21, 2011 when Public Works crew was grading the alley at 3404 Rollins Avenue and struck the fence.

MIDAMERICAN ENERGY COMPANY, \$752.15 in payment of property damage claim of February 1, 2011 when plow driver struck utility poles at 203 East Euclid Avenue.

PAULINE SYDNESS, \$885.60 for plumber's call, clean up and property damage resulting from obstructed sanitary sewer at 411 East Sheridan on April 4, 2011 and April 6, 2011.

KARLY HERMANSON, \$489.96 for damage to claimant's vehicle on January 6, 2011 when police officer pulled from stop sign in the 700 block of 10th Street and struck vehicle.

TIMOTHY HARTMAN, \$50.00 for property damage claim of January 12, 2011 when City Inspector rear-ended claimant's truck on 34th Street at University.

BRANDY GRAY, \$1,030.04 in payment of property damage claim regarding incident of February 20, 2011 when claimant struck pothole on 19th Street at Forest Avenue.

PATRICK MIENKE, \$1,200.00 for property damage to claimant's vehicle on January 11, 2011; van was parked in the middle of the street in the 4100 block of North Union Street and plow driver struck the right front fender with the snow blade.

KATHY SMITH, \$704.28 for damages to vehicle on May 2, 2011 when claimant was following City truck on S.E. 14th Street at Bell Avenue and an asphalt tamper fell off of the truck into claimant's path.

MIDAMERICAN ENERGY COMPANY, \$4,319.28 for property damage claim of December 24, 2010 when City plow struck utility pole at 704 East Douglas Avenue.

TMC AUTO BODY, \$932.72 for property damage claim of May 11, 2011 when police officer backed into claimant's vehicle on S.E. 22nd Street at Caulder Avenue; ENTERPRISE RENT A CAR, \$149.80 for rental car expense associated with the claim.

JACK GYLES HOME EXTERIOR SPECIALIST, \$320.00 to repair vinyl siding on house at 2007 Williams Street that was damaged when pick up arm on garbage truck struck telephone line on April 13, 2011; JACCI BALDUCHI, \$50.00 for appearance allowance because contractor could not match color of siding.

DENNIS BELIEU, \$114.48 in payment of claim regarding incident of January 15, 2011 when claimant was northbound on 27th Street near the Drake Fieldhouse and a sander truck sprayed salt and sand mixture that damaged the vehicle.

DENNIS SLOAN, \$2,450.00 in payment of claim from September 2006 when former girlfriend suspected claimant intended to commit identity theft against her; police confiscated computers and later destroyed or misplaced them.

TMC AUTO BODY, \$3,026.10 for repairs to vehicle resulting from incident of May 10, 2011 when Public Works driver pulled from stop sign at Guthrie and Lay Streets and struck claimant's truck; ENTERPRISE RENT A CAR, \$233.08 for rental car expense.

GEORGE HILLS, \$962.14 in payment of claim of May 18, 2011 for damaged tire when claimant struck pothole that had exposed re-bar in alley east of 1214 College Avenue.

RICHARD JOHNSON, \$100.00 for damages to fence at 2322 East 14th Street between February 26, 2011 and March 1, 2011. Claimant contends a police officer awoke him to tell him that their fence had been damaged during an arrest; however, the police have no record of an officer in that area. Claimant's neighbor verifies that a police car was in the area.

MELANIE MCDONALD, \$2,700.00 in payment of claim regarding incident of May 10, 2011 when City driver rear-ended vehicle that was stopped for light at S.E. 14th Street south of Hartford Avenue.

BARRY DUNCAN AND BOB BROWN CHEVROLET, \$2,194.77 for repairs to claimant's vehicle; garbage collector pulled from stop sign on 37th Street at Adams Street into path of claimant on May 31, 2011; ENTERPRISE RENT A CAR, \$155.35 for rental car expense.

MICHAEL DRAKE AND KARL CHEVROLET, INC., \$3,619.41 for repairs to vehicle resulting from incident on May 31, 2011 when police officer left his vehicle to apprehend suspect at 6th Avenue at Clinton Street and police car rolled backwards into claimant's vehicle.

MIDAMERICAN ENERGY COMPANY, \$505.47 for damages to pole that garbage collector struck on April 22, 2011 at 3210 St. John's Road.

MARY MAHNKE, \$1,280.98 in payment of claim of June 9, 2011 when Public Works driver struck parked car in the parking lot at Waters and Vine Streets; ENTERPRISE RENT A CAR, \$59.92 for rental car expense.

JORDAN HUTCHISON, \$400.00 in payment of claim resulting from incident of June 15, 2011 when garbage collector struck claimant's parked truck at 3706 East 42nd Street.

CINDY ARTERBURN, \$1,172.80 for repairs to claimant's vehicle resulting from incident of June 2, 2011 when police officer backed into parked car at 5 Porter Avenue.

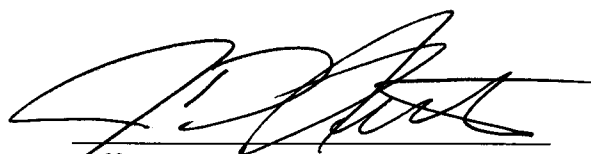
MIGUEL ARELLANO, \$186.60 for plumber's call and cleanup costs resulting from obstructed sewer at 511 S.E. 9th Street on June 14, 2011.

DORIS AND JAMES DOUGLASS, \$1,500.00 in payment of bodily injury and property damage claim resulting from incident of April 19, 2011 when Community Development employee rear-ended claimant on East University at Pine Street.

ANTONIO GARDNER, \$592.54 for property damaged when police officer rear-ended claimant's truck on June 25, 2011 on Martin Luther King Jr. Parkway at Allison Avenue.

GARY GOUDELOCK, \$160.00 for repairs to claimant's fence resulting from incident on April 8, 2011 when garbage collector struck claimant's fence at 4309 Chamberlain Avenue.

TMC AUTO BODY, \$1,623.29 in payment of claim of January 25, 2009 when plow driver struck parked pickup at 3736 Rollins Avenue.



Jeffrey D. Lester
City Attorney