

★ Roll Call Number

Agenda Item Number

27

Date December 19, 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 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. Goudeock, Jr.

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



December 19, 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:

JOSEPH DORO, \$465.81 for plumber's call and property damage resulting from incident of May 3, 2011 when sanitary sewer was obstructed at 4021 Crestmoor Place.

JASNA MEHMEDOVIC AND HER ATTORNEY GALLIGAN & REID, P.C., \$4,204.00 in payment of bodily injury claim of January 13, 2010 when claimant was struck by ice falling from skywalk at 2<sup>nd</sup> Avenue between Court and Walnut.

DINO'S STORAGE, \$31.10 for water hoses that crew ran over when they turned around in parking lot at 2725 Second Avenue on July 19, 2011.

REX D. PAULLIN AND ATTORNEY MICHAEL CARMONEY, \$1,750.00 to settle claim of March 16, 2010 when claimant's vehicle was impounded; claimant was not able to retrieve vehicle due to an OWI conviction and contented improper notice was given.

TAMMY KOKEMILLER, \$2,910.00 in payment of property damage claim resulting from sewer backups on August 9 and 10, 2011.

KINMAN GLASS, \$276.54 for repairs to claimant's window caused on July 15, 2011 when crew was using air pressure hose to clean cracks in the street at 219 New York Avenue and a rock was thrown into window.

MIDAMERICAN ENERGY COMPANY, \$1,408.14 for damage caused on February 1, 2011 when plow driver struck utility pole at 412 East Euclid Avenue.

TMC AUTO BODY, \$959.10 for repair of dents to claimant's vehicle caused by Public Works crew working in the vicinity of 5224 Merced Street in June 2011; ENTERPRISE RENT A CAR, \$119.84 for rental car expense associated with the claim.

21

JILL SHAFER, \$456.00 for settlement of a claim regarding a sewer that collapsed in June or July of 2010 at 933 38<sup>th</sup> Street.

PENNY AND MIKE BUNCH, \$251.99 in payment of claim regarding incident of July 28, 2011 when vehicle was parked with a window down at 3535 East Euclid; City's sewer vacor truck malfunctioned and sprayed sewage on the outside of the truck and also through the window to the inside of the truck.

KARL CHEVROLET, INC., \$222.34 for additional repairs to vehicle resulting from incident on May 31, 2011 when police officer left his vehicle to apprehend suspect at 6<sup>th</sup> Avenue at Clinton Street and police car rolled backwards into claimant's vehicle (a payment of \$3,704.01 had previously been made to Karl Chevrolet for repairs); ENTERPRISE RENT A CAR, \$1,003.48 for rental car expense.

RONALD L. MORRIS, \$1,282.86 in payment of claim for property damage when ambulance driver struck parked car at 433 East Phillip.

BRANDI MENDENHALL, \$1,818.77 for repairs to vehicle resulting from incident of July 4, 2011 when police officer backed into car at the Quik Trip Store at 1215 6<sup>th</sup> Avenue.

ALFREDO AVILA, \$400.00 in payment of property damage claim of July 11, 2011 when tree limb fell on vehicle at 1829 Capitol Avenue.

MIKE AND RHONDA MOORE, \$54.95 as settlement for bodily injury claim of June 8, 2011 when claimant's daughter cut her foot at the Ashworth swimming pool.

RON W. VAN VLEET, \$30.00 to replace mailbox that was damaged when City employee damaged it while mowing at 4695 East Spring Street in June 2011.

TMC AUTO BODY, \$460.50 in payment of property damage claim of July 22, 2011 when fire truck was backing up and the ladder struck parked vehicle in the parking lot at 501 S.W. 11<sup>th</sup> Street; ENTERPRISE RENT-A-CAR, \$89.88 for rental car expense.

TRACI ANN AUCH AND KATLYN LAWSON, \$987.16 for damages to claimant's vehicle resulting from incident of July 27, 2011 when City garbage truck driver was stopped on the side of the street at 1200 East 36<sup>th</sup> Street and claimant tried to pass and City driver pulled out and was struck.

CONCRETE CONCEPTS OF IOWA, \$700.00 for driveway approach at 3716 Forest Avenue that was damaged by City crews while installing new curbs in the summer of 2010.

VERN UCHYTIL, \$650.00 for property damage caused in August of 2010 when City crews replaced sidewalk at 3600 57<sup>th</sup> Street and damaged pipe leading to water shut-off valve.

TODD AND KIMBERLY DRESCH, \$1,386.00 in payment of claim of August 18, 2011 when tree limb fell on claimant's vehicles and house at 436 East Dunham Avenue.

JULIE MONAGHAN, \$225.00 property damage resulting from claim of September 19, 2011 when Public Works crew was clearing brush in alley behind 511 Kirkwood and damaged claimant's fence.

DAVID HENDREN, \$200.00 in payment of claim of September 30, 2011 when Public Works crews blew rocks and debris from cracks in 3<sup>rd</sup> Street north of Douglas Avenue in preparation for patching and they damaged claimant's cars.

DENISE ST. JOHN, \$49.00 in payment for claim for damaged Dish Network cable line that was cut in the fall of 2010 at 2571 Guthrie Avenue when Public Works crews were working on Lee Town Creekway.

JENNIFER AND ERIC WALTERS, \$200.00 for bodily injury resulting from claim of September 20, 2011 when City driver changed lanes in the 1000 block of Penn Avenue and struck left quarter panel of claimant's car; TMC AUTO BODY, \$3,635.91 for damage to vehicle; and ENTERPRISE RENT A CAR, \$372.88 for rental car expense associated with the claim.

Ileta Wilson and Torgerson Excavating, \$880.00 for repair to water stop box that was damaged in 1988 during curb replacement at 2439 East Grand Avenue; damage wasn't discovered until Des Moines Water Works tried to shut off the valve.

MIDAMERICAN ENERGY COMPANY, \$3,152.07 in payment of property damage claim of September 18, 2011 when police officer lost control of her vehicle and struck a utility pole on the corner of Park Avenue and S.W. 2<sup>nd</sup> Street.

PEDRO RAMIREZ-CASTRO, \$1,445.31 for damage to vehicle on October 28, 2011 when Public Works employee backed up to allow a semi to make a turn on S.E. 18<sup>th</sup> Street at Maury and he struck claimant's stopped vehicle; ENTERPRISE RENT-A-CAR, \$147.71 for rental car expense.

JOE KLUEPPEL, \$30.99 to replace claimant's stepping stones that were thrown away by Public Works employees while preparing to install new curbs in August 2011 at 3141 8<sup>th</sup> Street.

DES MOINES WATER WORKS, \$830.00 to repair water stop box that was damaged in 1988 during curb replacement at 2439 East Grand Avenue; damage was just recently discovered.

DIANE MAY, \$375.00 for repairs to claimant's siding resulting from incident of October 20, 2011 when garbage truck pickup arm struck pole at 1207 S.W. Burnham.

TRAVELERS INSURANCE, \$5,000.00 as payment for insurance deductible for claim regarding incident of October 6, 2011 when solid waste driver rear-ended a car and pushed it into another car in the 100 block of Martin Luther King.

JOE MULSTAY, \$70.00 for property damage claim of November 21, 2011 when pickup arm of garbage truck struck ceramic flower pot at 2505 Adams Avenue.

QWEST CORP DBA CENTURYLINK QC, \$2,076.76 for repairs to telephone line at 601 Bell Avenue; sewer crew struck the line on September 20, 2011.

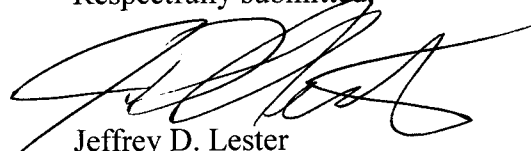
M.V.P. FENCE, \$173.50 for repairs to claimant's fence at 1533 Penn Avenue; claimant stated garbage truck struck the fence in December of 2010.

M.V.P. FENCE, \$760.00 for claim regarding incident of November 16, 2011 when City driver was pulling trailer through alley at 1529 Penn Avenue and struck chain link fence.

SHANE WRIGHT AND FAUST AUTO BODY SHOP, INC., \$1,906.46 in payment of claim of October 6, 2011 when City driver rear-ended stopped vehicle on Hubbell Avenue at 34<sup>th</sup> Avenue, N.W.

STEPHANIE THEOBALD, \$158.36 in payment of claim of November 11, 2011 when claimant struck sewer intake at Leland Avenue East of Fleur Drive.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney