

★ Roll Call Number

Agenda Item Number

20

Date July 9, 2012

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				

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

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

July 9, 2012

---

**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:

M.V.P. FENCE, \$451.00 to repair fence that was struck by garbage collector on March 8, 2012 at 439 East Porter Avenue.

TORIANO KIRBY, \$2,057.95 in payment of property damage claim of March 26, 2012 when a police officer struck vehicle while backing from driveway at 1719 12<sup>th</sup> Street.

JOHN R. HEARN, \$95.31 for property damage caused on March 23, 2012 when Public Works driver backed into vehicle at 51<sup>st</sup> Street at Robertson Drive.

DES MOINES WATER WORKS, \$605.00 for repairs to water stop box that was damaged by Public Works crew while grinding a tree stump on March 28, 2012 at 1524 Henderson Avenue.

MIDAMERICAN ENERGY COMPANY, \$1,465.18 in payment of claim regarding incident of March 9, 2012 when garbage truck backed into guy wire and utility pole at 44<sup>th</sup> Place south of University and pulled down electric service lines.

OTIS ELEVATOR COMPANY, \$2,817.99 for repairs to elevator at the Elsie Mason Manor at 430 Grand Avenue that was damaged by Fire crew responding to a call on February 10, 2012.

ENTERPRISE RENT A CAR, 62.13 for rental car expense resulting from claim of April 13, 2012 when claimant was following a Park's pickup on Ingersoll Avenue and a sheet of plywood flew from the truck and struck the car; TMC AUTO BODY, \$1,144.75 for repairs to claimant's vehicle.

CONCRETE SPECIALIST, \$400.00 in payment of claim of April 14, 2012 when Forestry crew was removing a downed tree that blocked the street at 677 32<sup>nd</sup> Street and the tree struck and broke claimant's sidewalk.

ROBERT HUDDLESON, \$121.33 for property damage caused by a piece of metal that fell from City truck on April 2, 2012 at S.E. 6<sup>th</sup> Street and MLK Parkway.

CESAR MUNOZ, \$990.15 for repairs to claimant's vehicle resulting from incident of April 15, 2012 when police officer was responding to a fight at North High School and tried to go around claimant's car and tore bumper off of the car.

TMC AUTO BODY, \$1,875.45 in payment of property damage claim of February 10, 2012 when claimant's car was disabled on roadside on I-235 at 31<sup>st</sup> Street; police officer stopped to help and failed to place police car in park and it rolled into claimant's car.

---

KATRINA BRACKIN, \$5,000.00 in payment of claim regarding incident of April 17, 2012 when police officer struck parked car at 1804 East 33<sup>rd</sup> Street.

RHONDA WELLS, \$3,400.00 in settlement of claim of April 24, 2012 when police officer struck parked van at 3845 East Ovid Avenue.

DEBRA BAKER, \$478.34 for property damage on April 16, 2012 when Fire truck made a turn at 6<sup>th</sup> and University Avenues and the ladder bucket struck claimant's door mirror.

TMC AUTO BODY, \$3,341.90 for repairs to vehicle resulting from incident of April 9, 2012 when police officer pulled from stop sign and struck vehicle on 6<sup>th</sup> Avenue at Park Street; ENTERPRISE RENT A CAR, \$435.08 for rental car expense.

SUSAN CHAPPELL, \$2,200.00 in payment of claim regarding incident of April 14, 2012 when a tree fell on claimant's vehicle at 3029 Indianapolis Avenue.

JAMES GARSWAH, \$1,800.00 in settlement of claim of May 2, 2012 when Public Housing employee rear-ended claimant at East 30<sup>th</sup> and Dean Avenue; ENTERPRISE RENT-A-CAR, \$389.46 for rental car expense associated with this claim.

STATE FARM INSURANCE AS SUBROGEE OF PANH THAMMATHAY, \$2,359.13 for bodily injury claim of November 11, 2011 when police officer rear-ended claimant on Court Avenue at East 6<sup>th</sup> Street.

SARAH SWAGLER, \$10.00 as reimbursement of insurance co-pay resulting from incident of July 12, 2011 when claimant's granddaughter cut her foot on a piece of glass in the Sheridan Park swimming pool.

TRAVELERS INSURANCE, \$5,000.00 for insurance deductible regarding claim of February 4, 2012 for property damage and bodily injury resulting from plow driver backing into claimant's vehicle on 50<sup>th</sup> Street at Crestmoor Drive.

GREG AND DIANE DAVIS, AS HUSBAND AND WIFE, \$500.00 in settlement of bodily injury claim of May 8, 2012 when claimant fell on sidewalk at Winegardner Road and Hickory Hill Lane.

SCOTT AND NANCY TANGEMAN, \$875.00 for property damage resulting from obstructed sewer at 1923 23<sup>rd</sup> Street on April 14, 2012.

STEVEN G. JOHNSON, \$100.00 in payment of property damage claim of May 17, 2012 when claimant was riding his bicycle on sidewalk on Cummins Road at S.E. 14<sup>th</sup> Street and was struck by City truck attempting a right-hand turn on a red light.

TMC AUTO BODY, \$741.60 for repairs to claimant's van resulting from incident of April 30, 2012 when Public Works driver backed a trailer into the vehicle on Locust Street at 2<sup>nd</sup> Avenue; ENTERPRISE RENT-A-CAR, \$93.21 for rental car expense.

JOHN CARLSON AND SMITH BODY & PAINT, INC., \$3,213.96 in payment of property damage claim of May 4, 2012 when street sweeper struck claimant's pickup that was stopped on Douglas Avenue at Lower Beaver Road; JOHN C. CARLSON, \$339.00 for appearance allowance for wheel and tire which received scratch marks; SMITH BODY & PAINT, INC., \$380.18 for price increase for parts; ENTERPRISE-RENT-A-CAR, \$554.94 for rental car expense.

JOSE GAVA, \$500.00 for insurance deductible regarding claim of June 1, 2012, when police officer backed from driveway at 2500 Post Street and struck claimant's vehicle.

KINMAN GLASS, \$41.50 to repair side mirror on claimant's vehicle resulting from incident of May 8, 2012 when a garbage truck struck vehicle parked at 2310 East 9<sup>th</sup> Street.

VANESSA COREY, \$459.71 for property damage and plumber call regarding incident of May 19, 2012 when sanitary sewer was obstructed at 3520 SW 44<sup>th</sup> Street.

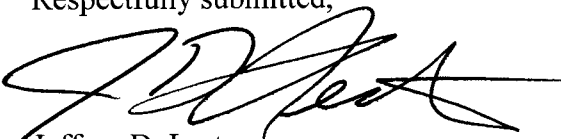
JERRY AND D.J. HASSEL, \$125.40 in payment of claim of May 19, 2012 for plumber call and clean-up resulting from obstructed sanitary sewer at 3512 SW 44<sup>th</sup> Street.

PATRICK DROTTZ, \$1,027.00 for repairs to claimant's vehicle; Wastewater Reclamation Authority employee backed into parked car on May 9, 2012 at the Frink Creek.

SPARKEL FRAZIER, \$150.00 in payment of claim for lost property regarding incident of May 27, 2012 when claimant rented a canoe at Gray's Lake. Claimant had trouble returning to shore and while being towed by a Parks employee the canoe overturned and claimant lost her rings, sandals and a pouch containing money.

MICHAEL P. RUNDLE, \$100.00 for appearance allowance for damage to vehicle resulting from incident of June 20, 2012 when Forestry crew was trimming a tree at 4011 Third Street and a limb struck claimant's vehicle; KINMAN GLASS, \$134.62 to replace rear window glass in vehicle; ENTERPRISE RENT A CAR, \$62.14 for rental car expense.

JEFF WILSON, \$663.73 in payment of property damage claim of April 21, 2012 when police office was backing up at 1141 42<sup>nd</sup> Street and struck claimant's parked car.

Respectfully submitted,  
  
Jeffrey D. Lester  
City Attorney