

★ **Roll Call Number**

**Agenda Item Number**

31

Date..... May 6, 2013.....

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				
<b>TOTAL</b>				
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  
Katharine J. Massier  
Carol J. Moser  
Douglas P. Philipph

May 6, 2013

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:

LYNSIE THOMPSON, \$137.38 in payment of property damage claim of December 21, 2012 when plow truck struck parked car at 2919 Madison Avenue.

WILLIAM AND LUCY MILLER, \$30.00 to replace a mailbox that was struck by plow on December 20, 2012 at 3007 Southern Hills Drive.

TERRI WHITNEY, \$79.50 for towing charges resulting from incident of January 10, 2013 when police officer turned in front of claimant on S.E. First Street at Indianola and damaged claimant's vehicle; TMC AUTO BODY, \$2,800.24 for repairs to claimant vehicle; ENTERPRISE RENT A CAR, \$399.52 for rental car expense.

TMC AUTO BODY, \$832.76 for repairs to vehicle that was damaged on January 23, 2013 when a garbage collector struck parked car with pick up arm at 2930 East Jefferson; ENTERPRISE RENT A CAR, \$124.26 for car rental expense.

THE SUITES OF 800 LOCUST, \$300.00 in payment of claim of December 26, 2012 when snow plow was removing snow along sidewalk at 800 Locust Street and tore carpet that extends from door to curb.

JAMES W. HAYES, \$930.28 to repair claimant's vehicle that was damaged on February 1, 2013 when City driver pulled from East 41<sup>st</sup> Court onto Easton and struck vehicle that had slowed for a bus.

M.V.P. FENCE, \$80.00 for repairs to fence that was struck by pick up arm of garbage truck on January 24, 2013 at 803 Kirkwood.

ANDREW PRATT, \$500.00 for collision deductible resulting from incident of January 30, 2013 when plow driver struck claimant's parked car in the 600 block of Polk Blvd.

AMERICAN INN & SUITES, \$1,871.96 to repair a door that was damaged on May 2, 2012 when the police knocked down a motel door at 5626 Douglas Avenue to arrest a person with a warrant for his arrest.

MIDAMERICAN ENERGY COMPANY, \$293.50 in payment of claim of December 28, 2012 when police officer was involved in a chase and lost control and struck a utility pole on Hickman Road at 33<sup>rd</sup> Street.

JASON PAUL, \$3,828.48 for repairs to vehicle resulting from incident on January 30, 2013 when plow driver was backing from East 33<sup>rd</sup> Street and University and struck claimant's car.

BECKY HORSMAN, \$201.98 to replace windshield that was broken by a rock or salt from a snow plow on 33<sup>rd</sup> Street on January 30, 2013.

KIC LOVAN, \$500.00 in payment of insurance deductible due to damage caused on February 23, 2013 when snow plow struck claimant's parked car at 1434 Royer Street; NATIONWIDE INSURANCE, \$1,518.35 for property damage.

BRIAN AND BECKY DOTTS, \$3,079.50 in payment of damage claim regarding incident on February 27, 2013 when snow plow driver and claimant were driving in opposite directions on Druid Hill Drive and plow struck something in the street which hit the side of claimant's car; \$125.00 to settle bodily injury claim.

DIANA MCCULLOUGH, \$30.00 to replace mailbox that was struck by snow plow on February 27, 2013 at 5801 S.E. 31<sup>st</sup> Street.

FARM BUREAU, \$1,172.03 in payment of claim of January 25, 2013 when claimant struck Public Works truck that was turning from inside lane, due to the size of the truck, on Ingersoll Avenue to 31<sup>st</sup> Street.

CRAIG AND ANNICK IBSEN, \$2,691.47 for damages resulting from incident of January 31, 2013 when plow driver struck claimant's vehicle with plow blade while traveling on Grand Avenue at 31<sup>st</sup> Street.

MICHAEL KREITZ, \$177.07 in payment of claim of February 23, 2013 when a light bar fell from fire truck at 3537 Hubbell Avenue and damaged claimant's tire.

PROGRESSIVE INSURANCE COMPANY, \$118.84 for reimbursement of payment for a "no parking" sign that was damaged on January 20, 2013 at 25 N.E. Broadway; City mistakenly collected for the damaged sign, but it was later determined that Polk County owned the sign.

BRENT AND REGINA MEALEY, \$30.00 to replace mailbox that was struck by snowplow on January 31, 2013 at 5401 S.E. 31<sup>st</sup> Street.

FARMER'S INSURANCE GROUP, \$916.40 in payment of claim regarding incident of January 22, 2013 when police officer was chasing a stolen vehicle and struck claimant's stopped vehicle in the parking lot at S.W. 9<sup>th</sup> Street and Park Avenue.

SANDRA ZIMMERMAN, \$30.00 to replace a mailbox that was damaged by Public Works crew removing snow on February 24, 2013 at 2510 East 23<sup>rd</sup> Street.

CINDY HACKER, \$30.00 to replace mailbox that was struck by snowplow on March 4, 2013 at 5959 S.E. 16<sup>th</sup> Court.

DAN CROSSETT, A SINGLE PERSON, \$221.38 in payment of bodily injury claim of December 27, 2012 when claimant fell at the Central Library due to accumulation of ice.

CARL JENKINS, \$104.89 in payment of property damage claim resulting from incident of December 24, 2013 when plow truck struck claimant's parked vehicle at 3218 5<sup>th</sup> Avenue.

CHRISTOPHER DEE NALL, \$662.59 for repairs to vehicle that was damaged on February 22, 2013 when garbage truck pick up arm struck parked car at 713 College Avenue.

JOYCE BENHAM, \$150.00 in payment of claim of February 26, 2013 when plow truck threw snow onto claimant while she was leaving a dental office at 215 Euclid, damaging her clothing.

ROBB NUCKOLLS, \$15.00 in payment of claim resulting from incident on February 19, 2013 when brine solution was sprayed on parked car at 801 Jackson.

LUZ AMANDA TORRES, \$447.40 for repairs to vehicle resulting from incident on March 3, 2013 when police officer rear-ended claimant on Easton at University Avenue.

BOBBY FITZPATRICK, \$343.46 in payment of claim of December 21, 2012 when claimant was snow blowing at 1001 East King Avenue and he struck pieces of dislodged asphalt that damaged the snow blower.

RONALD TYLER, \$562.40 for damages caused when police officer backed from driveway at 1134 Amos Avenue and slid into parked pickup.

WILLIAM STRUYF, \$60.00 to replace brick mailboxes at 341 S.E. Rose Avenue after they were struck by snow plow on February 25, 2013.

AMANDA PARKER, \$30.00 to replace mailbox that was struck by plow truck on December 20, 2012 at 1906 East Rose Avenue.

RANSALL VIRDEN, \$30.00 to replace mailbox that was struck by plow truck on December 20, 2012 at 2085 Emma Avenue.

HOANG THANH NGUYEN, \$800.00 in payment of claim of January 30, 2013 when two cars collided due to snow and ice on Franklin Avenue west of Second Avenue; claimant slowed to avoid the collision and was struck by City truck.

TMC AUTO BODY, \$1,293.30 for repairs to claimant's van that was struck by snow plow driver in the 3400 block of East 52<sup>nd</sup> Street on January 31, 2013.

LUCINDA AND GARY STOWELL, AS WIFE AND HUSBAND, \$25.00 for band aids, gauze and ointments for scrapes due to a fall at the Community Action Center at 1618 6<sup>th</sup> Avenue on November 27, 2012.

HOPE GREEN, \$198.42 for plumber's call and cleanup and labor resulting from incident of March 27, 2013 when sewer was obstructed at 4030 East Grand Avenue.

TORGERSON EXCAVATING, \$575.00 to repair water stop box that was severed at 5801 New York Avenue; Torgerson Excavating was doing a sewer repair on March 19, 2013 and discovered the damage which was probably done when the City replaced the sidewalk in 2008.

TRACY GOLDMAN, \$2,255.98 in payment of property damage claim of March 28, 2013 when vactor truck caused water and sewage to exit through claimant's toilets at 1101 11<sup>th</sup> Street.

MIDAMERICAN ENERGY COMPANY, \$3,911.39 for repairs to utility pole that snow plow struck on February 27, 2013 on Harwood at 46<sup>th</sup> Street.

MICHAEL LANDERS, \$30.00 to replace mailbox that was struck by snowplow at 2942 East Shawnee Avenue on December 20, 2012.

MIDAMERICAN ENERGY COMPANY, \$145.62 for repairs to utility wire that was struck by snow plow on February 27, 2013 at 3127 7<sup>th</sup> Street.

WAYNE BOATWRIGHT, \$222.35 in payment of property damage claim of March 16, 2013 when sewer at 3400 52<sup>nd</sup> Street was obstructed with roots.

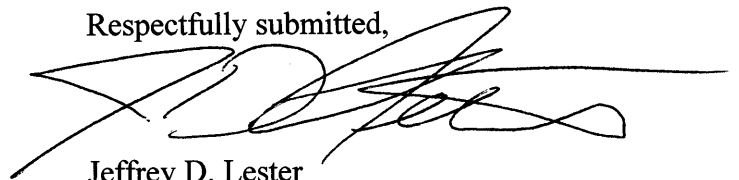
RANDAL FRUEH, \$250.00 for reimbursement of insurance collision deductible resulting from incident on February 26, 2013 when snow plow driver pulled from stop sign on Wright Street into path of claimant traveling on East Euclid.

DOUGLAS HUTCHISON, \$30.00 for a replacement mailbox that was struck by a snowplow on March 11, 2013 at 2923 S.W. 30<sup>th</sup> Street.

ANITA PAGANO, \$30.00 in payment of claim regarding incident of December 20, 2012 when snowplow struck mailbox at 3908 Easton Blvd.

ALEX ERVANIAN, \$61.84 in payment of property damage claim of March 1, 2013 when plow pushed snow and broke tail light at 3320 Rollins.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney