


Date October 7, 2013

Communication from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.00.

FORM APPROVED:

MOVED BY _____ TO RECEIVE,
FILE AND AFFIRM SETTLEMENTS MADE BY
CITY ATTORNEY



Jeffrey D. Lester
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 ATTORNEYSMark Godwin
Lawrence R. McDowell
Kathleen Vanderpool**ASSISTANT CITY ATTORNEYS**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. Philip

October 7, 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:

PAUL and CINDI THURMOND 770.00 refunded for overcharge on solid waste collection at 3001 S.W. 14th Street occurring from December 2005 forward.

TMC AUTO BODY \$1,264.99 for damage to vehicle owned by Claimant Robert Heles due to auto accident with police officer occurring on June 12, 2013 at 42nd Street and Woodland Avenue.

ENTERPRISE RENT-A-CAR \$124.28 for car rental as the result of an auto accident between police officer and Claimant Robert Heles, occurring on June 12, 2013.

BRIAN and BECKY DOTTS \$114.00 additional payment for doctor's bill not previously paid for a personal injury claim due to an auto accident between a plow driver and minor Victoria Dotts, occurring on February 27, 2013 at 2912 Druid Hill Dr.

ENTERPRISE RENT-A-CAR \$500.00 for car rental as the result of an auto accident between police officer and Claimant E'Shayla Kelson occurring on April 27, 2013.

ANEESAH SHABAZZ \$4,500.00 for a bodily injury claim occurring on or about June 16, 2013 when Claimant was dropped from cot during transport from ambulance to hospital.

JEFF VAN CLEVE \$1,750.00 for damage to Claimant's parked utility trailer when garbage collector struck it on May 31, 2013.

TMC AUTO BODY \$794.40 for damage to vehicle owned by Claimant Patricia Eyerly due to auto accident with Housing employee occurring on July 11, 2013 at Park Fair Mall.

M.V.P. FENCE \$397.00 for damage to Claimant Arnold Thrasher's chain link fence at 322 E. Fulton Dr. when it was snagged by a City mower and discovered on June 18, 2013.

DES MOINES WATER WORKS \$1,144.06 for damage to Claimant Michelle Crise's water stop box when Public Works replaced the sidewalk at 5607 S.E. 5th St.

MIDAMERICAN ENERGY \$121.60 for repair of damaged utility pole located at 3840 Indianapolis after solid waste collector struck the pole on May 1, 2013.

ENTERPRISE RENT-A-CAR \$124.27 for car rental as the result of an auto accident between Parks employee and Claimant Patricia Eyerly, occurring on July 11, 2013.

JIM ZAHN \$191.31 for damage to side glass in Claimant's van when rock or debris from weedeater was thrown into it at WRA yard on August 1, 2013.

MVP FENCE \$1,895.00 for repair of Claimant Mobile Super Service's heavy duty rolling fence, which was damaged when police officer was backing and struck it on July 17, 2013.

RAOULYN WALKER \$100.00 for auto damage to Claimant's vehicle when tree limb at Housing Authority property fell on May 15, 2013.

JONES LANG LASALLE \$5,000.00 for reimbursement of repair for City sewer collapse at 711 High Street in April of 2013.

GARY HOKE \$4,060.87 for property damage as a result of City sanitary sewer obstruction at 806 Knob Hill.

PATRICIA EYERLY \$150.00 for bodily injury as the result of an automobile accident when Parks' employee struck claimant's vehicle while pulling out of a parking spot on July 11, 2013.

HAYES LORENZEN LAWYERS, P.L.C. \$4,000.00 for bodily injury (death) of claimant Martha Stipp due to a faulty elevator at the Central Library on September 28, 2011.

DES MOINES WATER WORKS \$434.89 for damaged water corporation at 2116 Chautauqua on May 20, 2013.

STOWERS TRUST ACCOUNT \$4,999.12 for payment of judgment for attorney fees in forfeiture case involving Des Moines Police Department, Craig Allen Flagg and Pernell Flagg, occurring on March 14, 2012.

EUGENE SCHMITT \$2,500.00 for property damage to approximately one-half acre of land owned by claimant when Public Works cleaned the area and removed trees due to a sewage leak caused by a blockage in the City's sanitary sewer.

TMC AUTO BODY \$2,304.97 for auto damage to Claimants Stephanie Jessen and Steve Knupp's 2005 Honda Pilot when dead City tree fell on it on August 27, 2013 in the 4600 block of Amick.

SMITH'S SEWER SERVICE \$500.75 for damage to adjoining sewer line located at 2545 East Walnut on approximately August 27, 2013.

MIDAMERICAN ENERGY \$314.46 for damaged to power line at 3913 48th Place when garbage collector struck it with pick-up arm of truck on July 29, 2013.

ALBERT OSWALD AND HIS ATTORNEY, LAWYER, DAUGHERTY, PALMER & FLANSBURG, P.L.C., \$5,000.00 for a worker's compensation claim arising out of injuries sustained on January 14, 2009 and July 17, 2009.

ENTERPRISE RENT-A-CAR \$437.30 for car rental due to automobile accident involving Claimants Stephanie Jessen and Steve Knupp, occurring on August 27, 2013.

IOWA STATE FAIR \$580.00 to damage to fence at the East 30th entrance when Officer Schafnitz struck it on August 17, 2013.

SPOT FREE CAR WASH \$234.05 for damage to overhead wooden trim on car wash exit when Public Works driver struck it on August 13, 2013.

NICK ANDERSON \$1,000.00 for damage to Claimant's parked truck when solid waste collector struck it with pickup arm on August 13, 2013.

GREG and ERICA LUNA \$750.00 for cost to repair Claimant's damaged sewer line at 940 37th Street due to City's failure to connect line to the City main.

Respectfully submitted,



Jeffrey D. Lester
City Attorney