

★ Roll Call Number

Agenda Item Number

37

Date July 14, 2014

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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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 ATTORNEYSLawrence R. McDowell
Carol J. Moser
Kathleen Vanderpool**SENIOR LITIGATORS**Thomas G. Fisher Jr.
Gary D. Goudelock, Jr.**ASSISTANT CITY ATTORNEYS**Roger K. Brown
Ann M. DiDonatoDavid A. Ferree
Glenna K. Frank
Vicky L. Long Hill
Katharine J. Massier
Douglas P. Philip

July 14, 2014

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:

DOUG PHILLIPS \$30.00 for damage to Claimant's mailbox by a City snow plow on February 5, 2014.

GALILEE BAPTIST CHURCH \$263.30 for sewer service bill due to a blockage in the City's sewer main at 2208 Des Moines Street on February 19, 2014.

KATHLEEN JENKINS \$645.98 for damage caused by a sewer backup at 3909 Waveland Drive on November 27, 2013 and December 22, 2013, as the result of roots in the City's sewer main.

KEVIN HOARD \$2,000.00 for auto damage caused by a City snow plow when it struck Claimant's legally parked vehicle in the 2700 block of 45th Street on February 25, 2014.

CHARLES WAMBSGANS \$2,866.43 for property damage due to a sewer backup at 1219 Leland Avenue on March 8, 2014, caused by a blockage in the City's sewer main.

JUAN PAZ \$3,551.94 for damage to vehicle and loss of income as the result of a City snow plow striking Claimant's parked vehicle on or about February 4, 2014.

JOSE MARQUEZ CORVERA \$3,145.89 for property damage due to automobile accident with City police officer occurring on or about February 25, 2014.

RICHARD AND MARY SUSAN GIBSON \$854.04 for property damaged caused by a City snow plow when it struck a utility pole at 2506 Terrace Road on February 5, 2014, causing the pole to break and rip electrical wiring out of Claimant's home.

MONTEY HALLS \$30.00 for property damage due to a snow plow striking Claimant's mailbox at 3039 E. Porter Avenue on February 5, 2014.

SANTIAGO LAW FIRM \$1,000.00 for settlement of lawsuit brought by Deborah Weir arising out of an incident occurring on March 12, 2011. On that date, Claimant and another individual were arrested and placed in a prisoner transport vehicle. En route to the Polk County Jail, another vehicle pulled into the path of travel, forcing the police officer to stop suddenly to avoid a collision. Due to the sudden stop, Ms. Weir slid forward and struck her head, causing injury.

MIDAMERICAN ENERGY \$3,901.50 for property damage caused when City snow plow struck an electric utility pole located at 2506 Terrace Road on February 5, 2014, causing the pole to break.

TOM AND MARY HALL \$159.00 for property damage due to an obstructed City sewer main at 4116 E. 23rd Street on January 7, 2014.

WHITNEY VESTWEBER \$30.00 for property damage due to a snow plow striking Claimant's mailbox at 5216 S.E. 5th Street on February 15, 2014.

TRAVELERS INSURANCE \$1,725.35 for excess coverage deductible payment in reference to an automobile accident occurring on January 17, 2014, when a City snow plow changed lanes and struck Claimant Jason Krull's vehicle.

TRAVELERS INSURANCE \$5,000.00 for excess coverage deductible payment in reference to an automobile accident occurring on December 20, 2013, when a City snow plow lost control, striking a MidAmerican Energy utility pole, causing damage to both utility pole and Claimants Tim and Angie Peterson's home at 2750 Forest Drive.

GERALD MORELOCK \$746.13 for property damage due to an auto accident occurring on May 9, 2014, when a City police officer backed into Claimant's parked car.

ALAN MARQUIS \$30.00 for property damage to Claimant's mailbox when City snow plow struck it on February 5, 2014.

TRAVELERS INSURANCE \$4,281.45 for excess coverage deductible payment in reference to an automobile accident occurring on March 2, 2014, when a City snow slid through a stop sign at East 33rd and Kinsey, striking Claimant's vehicle.

STATE FARM INSURANCE \$3,711.85 for a subrogation claim involving an accident occurring on March 15, 2014, where a City snow plow failed to yield from a red light at S.E. 14th and McKinley, and broadsided Claimant Fa Che's vehicle.

DIAM PEST CONTROL \$3,582.52 for property damage to Claimant's property located at 2428 S.E. 5th Street due to a blockage in the City main.

TERESA MCMANUS \$30.00 for property damage to Claimant's mailbox at 608 E. Park Avenue caused by a City snow plow on January 15, 2014.

MARK LANGFORD \$1,086.00 for property damage to Claimant's fence located at 2700 E. Railroad Ave. caused by a dead tree on WRA property.

JEFFREY BUEFORD \$360.49 for property damage to Claimant's vehicle on May 12, 2014, which was caused by a collapsed sewer at the end of Claimant's driveway at 1501 16th Street.

TRAVELERS INSURANCE \$4,650.74 for deductible obligation for claims of Claimants Welsh, Jepson, and Riebhoff due to a City snow plow striking their three parked cars while clearing 60th Street on February 21, 2014.

TRAVELERS INSURANCE \$349.26 for fulfillment of deductible obligation for claims of Claimants Welsh, Jepson, and Riebhoff due to a City snow plow striking their three parked cars while clearing 60th Street on February 21, 2014.

ROBERT SWISHER \$30.00 for damage to Claimant's mailbox at 3300 S.E. 4th Ct. caused by a City vehicle on or about May 1, 2014.

DAVID NGOR \$529.87 for damage to Claimant's vehicle windshield when a bolt flew over construction fence during work at the Police Department Garage on June 4, 2014.

TRAVELERS INSURANCE \$5,000.00 for fulfillment of deductible obligation for claims of Claimant Sarah Tremmel due to a City snow plow's failure to yield at a stop sign and striking Claimant's vehicle, causing property damage and bodily injury, on February 5, 2014.

Respectfully submitted,

Jeffrey D. Lester
City Attorney