



Roll Call Number

Agenda Item Number

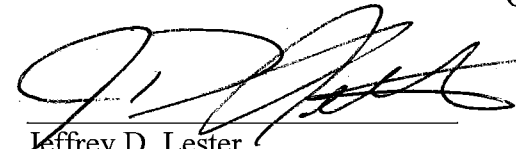
24

Date October 20, 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 ATTORNEYS

Lawrence R. McDowell
Carol J. Moser
Kathleen Vanderpool

SENIOR LITIGATORS

Thomas G. Fisher Jr.
Gary D. Goudelock, Jr.

ASSISTANT CITY ATTORNEYS

Roger K. Brown
Cori Kuhn Coleman
Ann M. DiDonato

David A. Ferree
Glenna K. Frank
Vicky L. Long Hill
Katharine J. Massier
Douglas P. Philip



CITY OF **DES MOINES**
LEGAL DEPARTMENT

October 20, 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:

PAYTON DOTSON \$1,035.09 for damage to Claimant's parked vehicle caused by a City vehicle backing into it on June 2, 2014.

JEFF & LINDA CORT \$1,392.35 for property damage and expense due to a blockage in the City's sewer main at 3305 Sims Drive.

STATE FARM INSURANCE \$2,542.66 for subrogation claim of Gary Sapp due to an auto accident occurring on April 6, 2014 when a Des Moines Police Officer struck claimant's vehicle while making a U-turn.

TRAVELERS INSURANCE \$195.78 for an additional expense toward deductible for bodily injury claim of Lisa Beerbower, whose vehicle was struck by a City snow plow on March 2, 2014 when the snow plow failed to yield at a stop sign. Claim for property damage was previously paid and Travelers was reimbursed. This additional payment is to pay for bodily injury claim, which falls within the deductible amount.

TRAVELERS INSURANCE \$2,028.53 for deductible payment concerning the property damage claim of Jeremy Betts, whose vehicle was struck by a City snow plow on January 30, 2013 when the snow plow lost control, striking another vehicle, when then struck Claimant's vehicle.

NATIONWIDE INSURANCE \$608.85 for subrogation claim of John Locke, whose vehicle was damaged as he was driving under the pedestrian overpass at Southwest 9th and Park Avenue on March 31, 2014, when a piece of the concrete fell off, breaking his windshield.

DART \$400.00 for damage to a DART bus on June 3, 2014 when a gust of wind blew a pavement marking stencil out of the back of a City vehicle, striking the bus and causing damage.

JOSEPH & TERESA LASACK \$2,500.00 for payment of sewer repair bill due to a root blockage in the City's sewer line, which caused multiple backups in the Claimants' home located at 4080 S.E. 15th Court on or about June 2, 14, and 16, 2014.

RAFAEL RODRIGUEZ, c/o FRED ANDERSON OF HUDSON, MALLANEY, SHINDLER & ANDERSON, P.C. \$1,000.00 for settlement of a lawsuit arising out of a slip and fall claim which occurred at 1518 6th Avenue on or about December 12, 2010, when Claimant was walking from an apartment building and slipped and fell on a sidewalk due to a buildup of ice caused by a sump pump discharge from the apartment building which flowed through a City-owned alley and a Polk County-owned vacant lot, and onto the sidewalk.

TRAVELERS INSURANCE \$229.14 for an additional expense toward deductible for property damage claim of Lisa Beerbower, whose vehicle was struck by a City snow plow on March 2, 2014 when the snow plow failed to yield at a stop sign. Claim for property damage and personal injury were previously paid and Travelers was reimbursed. This additional payment is to pay for car rental expense, which falls within the deductible amount.

JOHNNESHA MOZEE \$2,048.88 for property damage due to an automobile collision occurring on July 21, 2014, when a Des Moines police officer backed out of a parking spot at a QuikTrip on University and MLK, and hit the passenger side of Claimant's vehicle.

THOMAS LANSING \$633.67 for auto damage at Gray's Lake on July 12, 2014, when a passenger in a Parks' vehicle opened their door and hit Claimant's vehicle, causing damage to the door.

KING DELIVERY SERVICE \$1,587.00 for damage caused by an auto accident on December 9, 2013 when a Parks Department vehicle backed out of a parking lot and collided with Claimant's vehicle. This is payment of a small claims judgment after the claim was disputed and taken to court.

KATHERINE DAUGHERTY \$2,700.00 for payment of a bodily injury claim due to an auto accident occurring on July 16, 2012, when a police vehicle rear-ended Claimant Reschly's vehicle, causing it to be pushed into this Claimant's vehicle.

MARK BURNHAM \$500.00 for payment of Claimant's insurance deductible for an accident occurring on August 15, 2014, when a City garbage truck backed into Claimant's vehicle.

CAROL PROCTOR \$255.00 for damage to Claimant's windshield, as a City vehicle discharged a rock at Claimant's vehicle on August 11, 2014.

YECIKA RODRIGUEZ \$1,897.61 for property damage to Claimant's vehicle due to an accident occurring on May 8, 2014 when a City vehicle rear-ended Claimant's vehicle.

DINA LARRISON \$1,500.00 for a personal injury claim occurring on June 6, 2014, when Claimant had an accident on her scooter as she entered a non-ADA compliant accessible ramp at the corner of Southwest 9th and Maxwellton, causing her scooter to tip over.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Jeffrey D. Lester", written over a horizontal line.

Jeffrey D. Lester
City Attorney