

★ Roll Call Number

Agenda Item Number

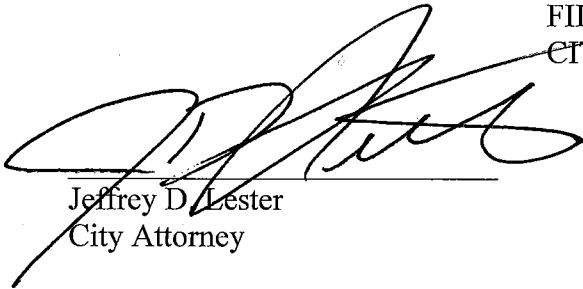
29

Date January 26, 2015

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				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

Date January 26, 2015

Agenda Item 29

Roll Call # \_\_\_\_\_

**CITY ATTORNEY**  
Jeffrey D. Lester

**SENIOR LITIGATORS**  
Thomas G. Fisher Jr.

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

**DEPUTY CITY ATTORNEYS**  
Lawrence R. McDowell  
Carol J. Moser  
Kathleen Vanderpool

**ASSISTANT CITY ATTORNEYS**  
Roger K. Brown  
Cari Kuhn Coleman  
Ann M. DiDonato



January 26, 2015

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:

HEATHER MCBLAIN \$144.62 for payment of plumber bill for a sewer backup caused by a blockage of debris in the City main at 3604 East 37th Street occurring on or about September 2, 2014.

THOMAS WALEWSKI \$63.75 for damage to lawnmower tire due to protruding metal from a street sign pole when it was replaced after an accident at 2414 Guthrie Avenue.

SELECTIVE INSURANCE CO. as Subrogee of Anthony Engstrom \$4,000.00 for subrogation claim due to a sewer backup at 2624 Merle Hay Road occurring on February 17, 2014, caused by encrustations in the City main.

ASHLEY MOTT \$804.63 for auto damage caused by an incident occurring on August 20, 2014, when police officer damaged the trunk of Claimant's vehicle while trying to open it.

LORRAINE STEMLER \$1,705.00 for auto damage caused by accident occurring on September 22, 2014 when fire truck cut a turn too sharp and struck Claimant's legally parked vehicle at 3400 8th Street.

JAYSEN MCCLEARY \$1,292.19 for property damage to Claimant's vehicle caused by police officer when officer's gun belt scratched side of Claimant's vehicle while trying to walk between his car and a bush on August 19, 2014.

YUWEI LIN \$567.10 for property damage to 3330 Indianola Avenue due to a sewer backup occurring on October 1, 2014, which was caused when City contractor did not cut out the service connection after lining the sewer that serves the property.

OLSON LAW OFFICE TRUST ACCOUNT \$3,250.00 for settlement of lawsuit brought by Cameron Gowdy, Vincent Gowdy and Valencia Gowdy regarding an auto accident occurring at East 36th Street and Hull Avenue on July 19, 2011, which was allegedly caused by a City tree limb blocking a stop sign.

KATHLEEN TEAS \$959.70 to pay a judgment issued by Polk County District Court for auto damage to Claimant's car due to a piece of displaced curbing that Claimant hit at 44th and Beavercrest on June 4, 2013.

AMERICAN FAMILY INSURANCE \$2,020.33 for subrogation claim of Maung Shwe, who claimed a City golf cart backed into his vehicle at Grays Lake Park on June 15, 2014, causing auto damage.

ALLIED PROPERTY & CASUALTY INSURANCE \$212.32 for subrogation claim of Mark Burnham, whose vehicle was struck by a City garbage truck on August 15, 2014 at 35th Street and Kingman Boulevard.

ENTERPRISE RENT-A-CAR \$71.02 for car rental regarding auto damage claim of Mark Burnham, whose vehicle was struck by a City garbage truck on August 15, 2014 at 35th Street and Kingman Boulevard.

DARLA BROWN \$2,382.14 for auto damage and bodily injury claim of Claimant due to automobile accident occurring on May 30, 2014 with police patrol unit which failed to stop at a safe and sure distance.

STATE FARM INSURANCE \$1,000.00 for subrogation claim of Darla Brown, who submitted a claim for auto damage and bodily injury due to an accident occurring on May 30, 2014 with police patrol unit which failed to stop at a safe and sure distance.

YUWEI LIN \$381.73 for additional payment for loss of income due to property damage to 3330 Indianola Avenue due to a sewer backup occurring on October 1, 2014, which was caused when City contractor did not cut out the service connection after lining the sewer that serves the property.

TRAVELERS INSURANCE COMPANY \$2,739.06 for deductible payment concerning the property damage claim of Kimberly Clark, whose vehicle was struck by a Public Works vehicle on October 1, 2014 at the corner of E. 32nd Street and Garfield Avenue.

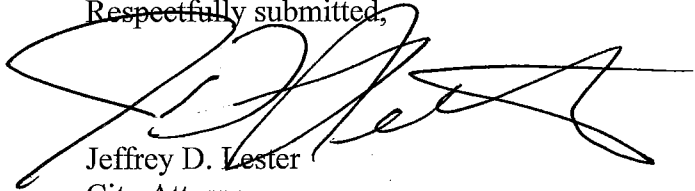
ANTHONY ENGSTROM and IRISH TRENHAILE ENGSTROM \$354.76 for full and final settlement of homeowners' claim due to a February 17, 2014 sewer backup at 2624 Merle Hay Road.

GARY JONES \$596.10 for property damage claim due to an auto accident occurring on November 13, 2014 when a City snow plow struck Claimant's parked vehicle at 8th Street and Grand Avenue.

TRAVELERS INSURANCE COMPANY \$5,000.00 for deductible payment concerning the property damage claim of Cindy Wilson, whose vehicle was struck by a Public Works vehicle on April 2, 2014 at East 42nd and Boyd.

STEPHANI LIVINGSTON-SMITHSON \$2,873.65 for property damage due to a sewer backup at 3613 S.W. 28th St. on or about August 28 and 29, 2014, caused by a blockage of roots in the City's main.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney