

★ Roll Call Number

Agenda Item Number

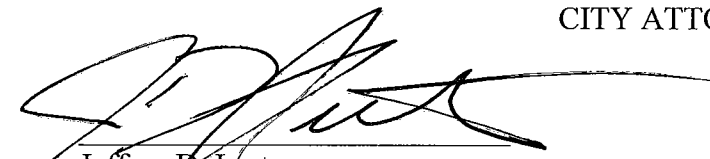
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Date October 12, 2015

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				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYS

Lawrence R. McDowell
Carol J. Moser
Kathleen Vanderpool

SENIOR LITIGATORS

Thomas G. Fisher Jr.
John O. Haraldson

ASSISTANT CITY ATTORNEYS

Roger K. Brown
Luke DeSmet

Ann M. DiDonato
Glenna K. Frank
Vicky L. Long Hill
Katharine J. Massier
Douglas P. Philip
Lisa A. Wieland



October 12, 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:

NATIONWIDE INSURANCE \$1,086.00 for medical bills paid on behalf of insured, Maria Villanueva, due to an auto accident occurring on February 15, 2015, when a police vehicle rear-ended insured's vehicle which was caused by slippery road conditions.

MARIA VILLANUEVA \$531.06 for property damage not submitted to insurance carrier due to an auto accident occurring on February 15, 2015, when a police vehicle rear-ended insured's vehicle which was caused by slippery road conditions.

MARIA VILLANUEVA \$250.00 for bodily injury/pain and suffering due to an auto accident occurring on February 15, 2015, when a police vehicle rear-ended insured's vehicle which was caused by slippery road conditions.

TIMOTHY & JESSICA BAILEY \$617.60 for auto damage caused when a Parks vehicle backed into Claimants' parked vehicle on April 22, 2015.

NATIONWIDE INSURANCE \$2,752.28 for reimbursement of auto damage to Claimant Gene Clipperton's vehicle caused by newly-applied, wet paint on the roadway on June 22, 2015. City crew striped the roadway before a rain and then left the area while it was still wet.

CHRISTIAN CHURCH OF IOWA, INC., d/b/a STONE CREST APARTMENTS \$215.00 for damage to hallway wall by EMS gurney on June 14, 2015.

SCOTTY'S BODY SHOP \$2,600.68 for auto damage to Claimant Susan Barton's vehicle caused by a City Engineering vehicle's failure to yield and backing into Claimant on June 9, 2015.

ENTERPRISE RENT-A-CAR \$233.08 for rental car expense for Claimant Susan Barton due to auto damage caused when a City Engineering vehicle backed into Claimant's on June 9, 2015.

BOBBIE WASHINGTON \$742.43 for reimbursement of auto damage caused by a City garbage truck, which struck Claimant's vehicle while it was parked at Kirkwood and South Union Streets on June 25, 2015.

JONATHAN PALMER \$500.00 for reimbursement of auto damage due to a City backhoe backing into Claimant's parked car on June 26, 2015.

STEPHANIE MCFARLAND \$282.27 for auto damage caused when a snow plow struck Claimant's parked car on January 1, 2014.

R.J. and ABIGAIL CHARLTON \$2,046.57 for damaged caused by sewer backups at 647 34th Street on May 4th and May 10, 2015, due to a blockage in the City main.

DONALD BURGAN \$455.00 for damage to fence at 2544 East Tiffin on April 19, 2015, when a previously-reported, damaged City tree fell onto it.

FARM BUREAU \$4,797.70 for reimbursement of subrogation expenses related to an auto accident occurring on June 23, 2015, when a police officer backed into David and Colleen Hodson's parked vehicle at Waveland Golf Course.

MICHAEL ALDERMAN \$3,130.01 sewer backup at Claimant's property located at 228 Miller Avenue due to a blocked City main on May 26, 2015.

STATE FARM INSURANCE \$3,462.46 for subrogation claim of insured Grace Delapp who had auto damage as a result of an accident with a City snow plow when the snow plow failed to yield at a stop sign on November 16, 2014.

TRAVELERS INSURANCE \$2,260.94 for reimbursement toward deductible for the claim of Kimberly Clark, who suffered bodily injury and auto damage as a result of an auto accident with a Public Works vehicle on October 1, 2014.

JODI CARTER \$304.09 for auto damage caused when Claimant drove through a parking entrance which had been removed due to ongoing construction on S.W. 9th Street on April 11, 2015.

DOUG & VALERIE BROOKS \$1,175.75 for auto damage caused by an accident occurring on July 1, 2015, when a City sewer truck driver failed to see Claimant's vehicle and struck it while attempting to make a right-hand turn.

CANDACE DACUS, \$4,353.75 for auto damage caused when garbage truck struck a parked vehicle on Kinsey Street on July 29, 2015.

CYNTHIA RICHEY \$586.82 for auto damage caused when City police vehicle struck Claimant's parked vehicle while attempting to park on August 5, 2015.

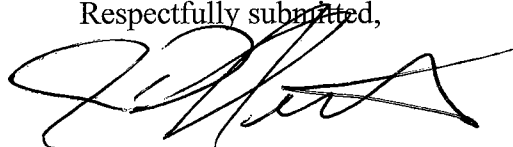
HAROLD & SUSAN GERSTENBERGER \$1,707.66 for damage caused by a sewer backup at 3941 16th Street due to tree roots blocking the City's sewer main.

ELLEN SIMMONS & MARC HARDING \$2,600.00 for the City's portion of a settlement of a bodily injury lawsuit involving a trip and fall in front of the Insurance Exchange Building on October 30, 2013.

HUDSON LAW FIRM TRUST ACCOUNT \$2,007.76 for payment of judgment of a small claims lawsuit brought by Colby Luong Van, stemming from an incident occurring on October 15, 2014, when a City garbage truck caught fire, which then ignited Claimant's vehicle and totaled it.

ANDREW AND KELLY KLINDT \$277.14 for property damaged caused by a sewer backup at 1424 60th Street, which was the result of tree roots blocking the City main on July 30, 2015.

Respectfully submitted,



Jeffrey D. Lester
City Attorney