



Roll Call Number

Agenda Item Number

28

Date January 11, 2016

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

Handwritten signature of Jeffrey D. Lester, City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

**CITY ATTORNEY**  
Jeffrey D. Lester

**SENIOR LITIGATORS**  
Thomas G. Fisher Jr.  
John O. Haraldson

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

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

**ASSISTANT CITY ATTORNEYS**  
Roger K. Brown  
Luke DeSmet



January 11, 2016

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:

KYLE DAVY \$265.00 for auto damage due to street work on Oxford Street on or about August 28, 2015. The street was reopened before slurry dried, which splashed on Claimant's vehicle.

ENTERPRISE RENT-A-CAR \$105.70 for rental car expense associated with claim of Tim Smith, whose vehicle was broadsided by a police vehicle on August 19, 2015.

STEVE SHEPHERD \$3,831.25 for property damage only portion of Claimant's claim for damages regarding an automobile accident occurring on September 21, 2015 involving an at-fault, Public Works vehicle.

SCOTTY'S BODY SHOP \$2,133.99 for auto damage sustained to Claimants Aung Khaing and Khin Win's vehicle when it was rear-ended by a Fire Department vehicle on September 25, 2015.

ENTERPRISE RENT-A-CAR \$699.23 for car rental expenses associated with the claim of Jason Krull, whose vehicle was struck by a City snow plow on January 17, 2014.

CELINA INSURANCE \$4,045.44 for subrogation claim of Diane Baze, whose parked vehicle was struck and damaged by a City garbage truck on August 25, 2015.

BRUCE BARACH \$511.88 for property damage to Claimant's vehicle due to an accident occurring on April 23, 2015. Claimant made an improper stop in the roadway, and City garbage truck rear-ended him.

ANTHONY HERMAN \$1,445.00 for settlement of lawsuit brought by claimant for an alleged misrepresentation of a salvage title to an automobile that Claimant bought at police auction.

TRAVELERS INSURANCE \$3,356.28 for deductible payment for property damage portion of claim of Delbert Creech, whose vehicle was rear-ended by a City dump truck on April 15, 2015.

ALLIANCE REALTY CO. \$626.70 for reimbursement of damaged door at 3121 Kingman Blvd., #10, due to Fire Department personnel gaining access to the wrong apartment during an emergency response on September 25, 2015.

NATIONWIDE INSURANCE \$4,344.22 for reimbursement to insurance carrier for damage to its insured Linda Phillips-Brewer's vehicle due to slurry seal on Oxford Street on August 28, 2015.

NATIONWIDE INSURANCE \$3,904.88 for reimbursement to insurance carrier for damage to its insured Charissa Thornton's vehicle due to an auto accident with a City garbage truck on July, 23, 2015.

LESTER JOHNS \$1,555.02 for damage to Claimant's parked semi-tractor caused by a City street sweeper on July 22, 2015.

INSURANCE AUTO AUCTION \$321.08 for bill related to sale of salvage of Claimant Steve Shepherd's vehicle, which was involved in an accident with City vehicle on September 21, 2015. City owed remainder of charges after the sale of salvage due to storage charges after the loss.

EDWARD & BETTY CURRIE \$30.00 for snow plow damage to Claimant's mailbox at 3628 Park Avenue on November 20, 2015.

USAA INSURANCE \$932.75 for reimbursement to Claimant Mere Coltrain's insurance carrier for subrogation claim due to an auto accident involving a City police car on September 2, 2015.

CORINNE CLARK \$358.57 for damage to Claimant's vehicle due to a City snow plow which threw ice as it was passing her legally parked vehicle on November 21, 2015.

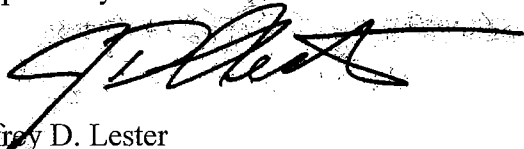
TIFFANY JOHNSON \$30.00 for reimbursement of damage to Claimant's mailbox caused by a City snow plow on November 20, 2015.

FRANK RENFRO \$418.11 for damage to Claimant's vehicle windshield due to debris falling out of a City vehicle during snow removal operations on November 22, 2015.

JOSEPH GROTHER & KAYLEE GROTHER \$4,310.53 for damage caused by an automobile accident with a City of Des Moines police car on November 14, 2015.

ENTERPRISE RENT-A-CAR \$353.50 for car rental expense of Claimants Joseph Grother and Kaylee Grother due to personal auto damage caused by a Des Moines police car on November 14, 2015.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney