



Roll Call Number

Agenda Item Number

26

Date July 25, 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

Jeffrey D. Lester  
City Attorney

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

John O. Haraldson  
Shellie Mackel

**ASSISTANT CITY ATTORNEYS**

Roger K. Brown  
Luke DeSmet

Ann M. DiDonato  
Thomas G. Fisher Jr.  
Glenna K. Frank  
Douglas P. Philip  
Jessica D. Spoden  
Lisa A. Wieland



July 25, 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:

NICHOLAS JONES \$2,911.61 for auto damage to Claimant's vehicle occurring on October 8, 2015 due to slurry on the road at 4009 Oxford Street for which the City removed barricades before it was dry.

CENTURYLINK \$1,597.47 for damage to a buried cable line which was struck by a City backhoe at 130 E. Seneca Avenue on April 22, 2015.

PHYLLIS WEATHERLY \$429.50 for sewer backup damage to Claimant's property at 2926 E. Madison due to a blockage of grease in the City main on February 20, 2016.

MONE AYE \$1,642.00 for property damage to Claimant's illegally parked and unoccupied vehicle during snow plow operations on February 3, 2016.

ENTERPRISE RENT-A-CAR \$291.79 for car rental expenses incurred by Claimant Information Tools, Inc., due to an auto accident caused by a City police vehicle on December 29, 2015.

SCOTTY'S BODY SHOP \$3,164.32 for auto damage incurred by Claimant Information Tools, Inc., due to an auto accident caused by a City police vehicle on December 29, 2015.

ENTERPRISE RENT-A-CAR \$173.60 for car rental expenses incurred by Claimant Angela Knoblauch due to an auto accident caused by a City police vehicle on January 23, 2016.

NATHAN PETERSON \$525.00 for a sewer backup at 6008 Cottage Grove due to a blockage in the City's sewer main on April 17, 2016.

JAVIER SOLIS \$400.85 for damage to Claimant's power line/mast at 2700 E. 16<sup>th</sup> Street caused by a City yard waste vehicle when it lifted its bin and connected with the Claimant's power line on April 26, 2016.

AMANDA MITCHELL \$487.02 for plumbing costs associated with a sewer backup at 209 E. Philip on May 1, 2016, due to a root blockage in the City main.

KENT LUTZ and MELANIE ROCHA-LUTZ \$500.00 for damage to Claimant's fence at 4315 Chamberlain, which was caused by a solid waste truck on April 8, 2016.

RON WEAVER \$4,260.00 for auto damage caused by a City of Des Moines police vehicle while it was in active pursuit of a suspect vehicle on April 28, 2016, and struck Claimant's parked vehicle at 1600 E. 14<sup>th</sup> Street.

CUSTOM COACHWORKS \$2,029.79 for repair of damage to Claimant Jeff Renner's vehicle due to an auto accident caused by a City police car striking Claimant's parked car on March 14, 2016.

CAITLYN REINDERS \$3,043.75 for total loss to Claimant's vehicle due to an accident on May 13, 2016, when a City garbage truck struck Claimant's unoccupied, parked vehicle.

DAVID HEIDEMANN \$858.07 for Claimant's lost Iphone, which was found by a City police officer, who subsequently disposed of the phone in the garbage at a Norwalk Casey's store.

NIXON LAURIDSEN & NIXON LAURIDSEN TRUST \$695.00 for the total loss Claimant's tree at 1401 Casady Drive, which was broken off at the base by a police car while it was in pursuit of a suspect vehicle.

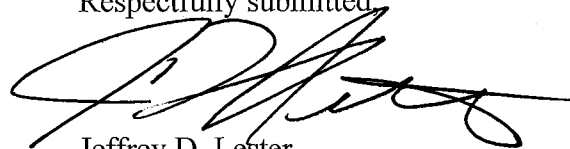
TONY MORO COLLISION CENTER \$1,163.45 for repair of damage to Claimant Joel Miller's vehicle due to a City solid waste truck rear-ending Claimant's vehicle while it was stopped at a red light on May 2, 2016.

CONSTANCE PRICE \$270.00 for damage to Claimant's fence at 120 30<sup>th</sup> Street caused by a clogged intake drain in a nearby drainage ditch.

HENRY SYMONS \$387.50 for damage to Claimant's vehicle when an unsecured water cooler fell off a fire truck and struck Claimant's vehicle on June 5, 2016.

SHAWNA SEVERINI \$898.61 for auto damage caused by a police vehicle on April 28, 2016, when it lost control and struck Claimant's parked vehicle.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney