



Roll Call Number

Agenda Item Number

21

Date January 23, 2017

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

Jeffrey D. Lester
City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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
John O. Haraldson
Shellie Mackel

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

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

ASSISTANT CITY ATTORNEYS
Roger K. Brown
Lawrence F. Dempsey



January 23, 2017

**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:

TRAVELERS \$5,000.00 for deductible payment on claim of Ismet Kamencic for auto damage caused by a City snow plow when it struck Claimant's vehicle while stopped at a stop light on December 28, 2015.

TONY MORO COLLISION CENTER \$2,033.53 for auto damage to Claimant David Smith's vehicle, which was struck by a police squad car when it crossed the center line while pulling out of the Police Department parking lot on September 7, 2016.

DES MOINES WATER WORKS \$709.87 for damage to a water stop box located at 3900 15th Street by a City sewer crew on May 25, 2016.

CABLEVEY CONVEYORS \$744.50 for replacement cost of a Dell laptop computer which was removed from Claimant's vehicle during an arrest for OWI. The laptop fell off the hood of the squad car and was destroyed.

ALLSTATE INSURANCE \$1,041.23 for the property damage claim of Brandy Mooney due to a City garbage truck crossing the center lane on October 6, 2016 and striking Claimant's vehicle with its front end loader.

ANGELA COOK \$707.29 for damage to Claimant's legally parked and unoccupied vehicle when it was struck by a City garbage truck on August 31, 2016.

CENTURYLINK \$4,489.42 for damage to Claimant's buried cable line at 4315 Grand Avenue when a City backhoe hit the marked line on August 9, 2016.

CINDY and MARK HACKER \$30.00 for damage to Claimant's mailbox caused by a City recycle truck on December 14, 2016.

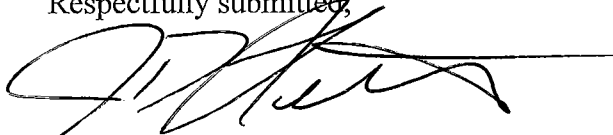
CENTURYLINK \$2,366.50 for damage to a properly marked underground wire at S.W. 42nd and River Oaks Drive due to the City's digging activities on May 31, 2016.

JOSHUA JONES \$654.26 for a personal injury claim which occurred at Teachout Aquatic Center on July 30, 2016, after Claimant slid down waterslide and a lifeguard's whistle lanyard became imbedded in his finger.

ABC ELECTRICAL \$3,080.46 for automobile damage caused when a City Public Works driver backed into Claimant's parked and unoccupied vehicle on November 4, 2016.

TRACY GOLDMAN \$2,253.83 for a sewer backup at 1101 11th Street on November 1, 2016 while the City was cleaning the sewer line.

Respectfully submitted,



Jeffrey D. Lester
City Attorney