



Roll Call Number

Agenda Item Number

33

Date April 17, 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

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
Lawrence F. Dempsey

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



April 17, 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:

NATIONWIDE INSURANCE \$4,048.00 for subrogation claim as a result of a sewer backup at 3524 S.W. 28th Street, owned by Richard and Connie McCarl, caused by roots and grease in the City main on November 24, 2016.

TOM & SANDY DORRELL \$30.00 for a damaged mailbox at 3828 S.W. 26th Street, caused by a City snowplow on December 18, 2016.

MIDAMERICAN ENERGY \$294.12 for damage to underground wire by a City backhoe at 1110 Countyline Road on July 26, 2016.

MIDAMERICAN ENERGY \$553.78 for damage to gas line by a City backhoe at 3812 Crestmoor Place on July 27, 2016.

MIDAMERICAN ENERGY \$1,918.00 for damage to a gas main during a City curb project at 102 Wall Avenue on April 18, 2016.

MIDAMERICAN ENERGY \$4,996.17 for damage to utility pole by a City snowplow at 340 43rd Street on November 25, 2014.

MIDAMERICAN ENERGY \$2,579.28 for damage to utility pole by City snowplow at 5801 New York Avenue on November 26, 2014.

MIDAMERICAN ENERGY \$3,487.34 for damage to utility pole at George Flagg Parkway and Fleur Drive by City police vehicle while in pursuit of a fleeing vehicle on November 20, 2015.

MIDAMERICAN ENERGY \$609.79 for damage caused to a gas main at 1333 Ohio Street by a City repair crew on April 20, 2015.

MIDAMERICAN ENERGY \$338.69 for damage to gas line at 1510 Ohio Street by a City road work crew on April 3, 2015.

CELESTE and CHRISTOPHER RESZEL \$2,913.83 for damage to Claimant's parked and unoccupied vehicle, which was caused by a City snowplow on January 16, 2017.

TIMOTHY and PATRICIA DAY \$1,511.57 for damage to Claimant's property at 6305 Boston Avenue caused by a sewer backup due to blockage in the main on January 14, 2017.

GREG WILSON \$30.00 for damage to Claimant's mailbox at 725 Maury Street, which was caused by a City snowplow on December 4, 2016.

MIDAMERICAN ENERGY \$121.82 for damage to service attachment at 436 E. Livingston Avenue on November 21, 2015, which was caused when a City snowplow struck a utility pole.

LOLA BALDWIN \$30.00 for damage to Claimant's mailbox at 2305 Indianola Avenue, caused by a City snowplow on January 16, 2017.

ANNA MAE JENNINGS AND LAW OFFICES OF JOHN T. HEMMINGER \$4,500.00 for settlement of personal injury claim of Claimant after she slipped and fell in the bathroom of the library on May 4, 2016.

ARENA AUTO BODY \$2,297.55 for repair of auto damage to Claimant Alex Zenor's vehicle which was caused by a City police vehicle when it backed into Claimant's parked car on December 18, 2016.

ENTERPRISE RENT-A-CAR \$312.55 for rental car expenses associated with Claimant Alex Zenor's auto accident claim.

ELVIRA JAKUPOVIC \$2,135.25 for damage to Claimant's parked vehicle, which was struck by a City police vehicle on January 16, 2017.

MIDAMERICAN ENERGY \$1,060.96 for a damaged service line at 3309 S.W. 13th Street, which was damaged during City curb replacement on May 4, 2015.

MIDAMERICAN ENERGY \$1,738.21 for damage to a utility pole at 612 Bancroft Street caused by a City snowplow on November 21, 2015.

TROY ADDY \$2,895.52 for property damage to Claimant's parked and unoccupied vehicle which was struck by a City fire engine on February 7, 2017.

MIDAMERICAN ENERGY \$421.94 for damage to a gas line by a City Public Works crew at 3117 Pleasant Street on August 23, 2016.

NAKEMA SLAUGHTER \$777.49 for replacement cost of a cell phone which was taken into evidence during an arrest on December 21, 2016, and then misplaced.

CHR TIRE & AUTO \$1,244.28 for property damage to Claimant employee Michael Flaherty's vehicle, which was struck by a Fire Department gator trailer on March 6, 2017.

HARDING LAW FIRM TRUST ACCOUNT \$700.00 for settlement of sewer backup claim of Leatrice Burns, whose home had a sewer backup due to blockage of the City main on December 31, 2015.

SHERRIE FLOYD \$1,292.50 for property damage to Claimant's parked and unoccupied vehicle by a City snowplow on March 13, 2017.

EDWARD & BETTY CURRIE \$30.00 for property damage to Claimant's mailbox by a City snowplow at 3628 Park Avenue on March 13, 2017.

JOYCE HUFF \$30.00 for property damage to Claimant's mailbox by a City snowplow at 3221 Hubbell on March 13, 2017.

DEERY CHEVROLET \$711.68 for repair of damage to Claimant Nikole Manriquez's vehicle, which was struck by a City police vehicle after it slid on the ice at Center and 32nd Streets on January 16, 2017.

SETH CROUCH \$1,610.00 for damage to Claimant's property at 4500 Urbandale Avenue caused by a City solid waste truck when it struck an overhead line, pulling the mast from the house.

Respectfully submitted,



Jeffrey D. Lester
City Attorney