



Roll Call Number

Agenda Item Number

36

Date July 24, 2017

Second Quarter report from the Legal Department concerning settlements made by the 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				
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

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



July 24, 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:

ENTERPRISE RENT-A-CAR \$116.78 for rental car expense for property damage claim of Nickole Manriquez, whose vehicle was struck by a City squad car on January 16, 2017.

MIDAMERICAN ENERGY \$564.93 for damage to a utility pole located at Forest Avenue and 32nd Street, which was caused by a City snowplow on December 8, 2016.

EMMA SEVERINO \$3,875.00 for property damage at 1500 E. Diehl Ave. on March 6, 2017 due to a clogged culvert, causing storm sewer backup and resulting in a collapsed a retaining wall.

BRYCE JOHNSON & SCOTT RICH \$4,062.87 for property damage to Claimants' vehicle caused by a City garbage truck when it struck Claimants' parked and unoccupied vehicle on April 3, 2017.

GRAHAM AUTO BODY \$813.02 for property damage to Claimant Stormy O'Brink's vehicle which was rear-ended by a City police car on January 7, 2017.

ENTERPRISE RENT-A-CAR \$65.05 for rental car expenses for Claimant Stormy O'Brink, whose vehicle was damaged when it was rear-ended by a City police car on January 7, 2017.

SCOTTY'S BODY SHOP \$1,441.07 for property damage to Claimants David and Heather Purdy's vehicle caused by a City ambulance when it turned right from the center lane at Euclid Avenue and 6th Avenue, striking Claimants' vehicle on March 9, 2017.

DES MOINES WATER WORKS \$521.00 for damage to a water line at 1372 East 13th Street caused by a City sewer crew on September 27, 2016.

DES MOINES WATER WORKS \$1,160.47 for damage to a water line at 545 Waterbury Circle caused by a City sewer crew on September 15, 2016.

DEBBIE & ALLEN DETTMER \$147.82 for additional expenses incurred by Claimants for contract work on their driveway due to differences from the permit granted by the Permit & Development technician and those required by the field inspector on May 6, 2017.

TED'S BODY SHOP \$1,061.84 for repair of damage to Claimants Doug and Stacy Wike's vehicle due to a rear-end auto accident involving a City police vehicle on March 30, 2017.

DEERY BROTHERS CHEVROLET \$1,256.21 for damage to Claimant Maryel Waddill's vehicle on April 17, 2017 when a City police vehicle rear-ended her while she was stopped for a school bus.

LITHIA BODY & PAINT OF DES MOINES \$938.21 for repair of damage to Claimant Brenda Luster's vehicle due to an auto accident involving a City police vehicle which failed to yield at a stop sign on February 27, 2017.

MICHAEL & SUZANNE PETERSON \$2,124.34 for sewer backup damage at 3247 Cleveland Avenue on April 10, 2017, which was caused by roots and grease blocking the City main.


MICHAEL VANDE NOORD \$767.99 for auto damage repair which was caused by a City vehicle backing into Claimant's parked vehicle on May 23, 2017.

MPS ENGINEERING \$1,936.06 for auto damage repair to Claimant's vehicle which was caused when a traffic signal arm was not properly secured in the City vehicle, and it shifted and struck Claimant's vehicle on May 18, 2017.

STEVEN GARRISON \$2,750.00 for money received by the City of Des Moines after a forfeiture proceeding. An error was made in the Police Department by not including the victim in the forfeiture action. This constitutes the amount Claimant lost for the fraudulent act and which was recovered on his behalf.

PRECIOUS WILLIS \$4,923.81 for auto damage and bodily injury claims due to an auto accident on May 23, 2017, in which a City vehicle pulled from a parking area, broadsiding Claimant's vehicle.

Respectfully submitted,



Jeffrey D. Lester
City Attorney