

★ Roll Call Number

Agenda Item Number

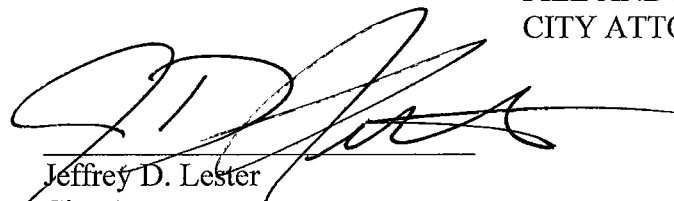
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Date October 9, 2017

Third 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

Mayor

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.

City Clerk

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYSLawrence 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. Philip
Jessica D. Spoden
Lisa A. Wieland

October 9, 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:

PROGRESSIVE INSURANCE \$1,268.03 for subrogation claim of Shay Meh due to an auto accident on July 24, 2016, when a City ambulance was backing in a parking lot and struck Claimant's parked vehicle.

MIDAMERICAN ENERGY \$145.75 damage to an overhead line during street repair at 117 East Maxwellton on June 12, 2015.

KEN THEDFORD \$568.43 for repair of auto damaged due to an auto accident on June 13, 2017, when a City police vehicle struck Claimant's parked vehicle.

JERRY FREEMAN \$1,594.82 for repair of Claimant's sewer line at 1428 Wayne Street because the City did not reconnect the homeowner's lateral line after relining the City main.

GERALD BUDDE \$251.22 for a sewer backup damage at 1845 & 1847 E. Creston Avenue on May 2, 2017, as the result of a blockage in the City main.

JEREMY WATKINS-HARRIS \$704.64 for auto damage repair as the result of a City vehicle backing into Claimant's vehicle while at a stop sign on June 6, 2017.

ROBERT & COLEEN SWISHER \$2,668.62 for sewer backup damage at 3300 S.E. 4th Court on June 4, 2017, as a result of a blockage in the City main.

JACKIE LARSON \$30.00 for damage to Claimant's mailbox which was caused by a City snowplow in December 2016.

DEANNA RICHARDSON \$650.00 for damage to Claimant's fence which was the result of a City tree limb falling at 1349 Harrison Avenue on June 17, 2017.

JIMMIE WILLIAMS \$30.00 for damage to mailbox at 3729 E. 24th Ct., which was damaged by a City tree limb falling on it July 24, 2017.

TRAVELERS \$3,500.00 for City's deductible for the claim of Caitland Brumbaugh for damage caused by a City snow plow in an accident occurring on January 20, 2014.

NANCY RAMSEYER \$200.00 for auto damage to Claimant's vehicle which was a result of a City crew spraying anti-dust fluid on a gravel road and failing to post warning signs on July 18, 2017.

MIDAMERICAN ENERGY \$994.12 for damage to an overhead line at 1601 Countyline Road, caused by a City dump truck while in the process of raising its box on January 24, 2017.

SAFECO INSURANCE CO. OF AMERICA \$3,940.65 for the subrogation claim of Donna Elgin for auto damage as the result of a City truck backing into Claimant's legally parked and unoccupied vehicle on August 25, 2016.

ENTERPRISE RENT-A-CAR \$458.34 for rental car expense of Claimant Lee Smith, due to an auto accident occurring on May 25, 2017 when a City police vehicle rear-ended Claimant's vehicle.

BRAD'S COLLISION CENTER \$2,204.25 for auto repair of Claimant Lee Smith's vehicle due to an auto accident occurring on May 25, 2017 when a City police vehicle rear-ended Claimant's vehicle.

KARL CHEVROLET \$1,899.72 for auto repair of Claimant Lyndsey Moon's vehicle due to an auto accident occurring on June 9, 2017, when a City vehicle changed lanes and struck Claimant's vehicle.

ENTERPRISE RENT-A-CAR \$208.46 for rental car expense of Claimant Lyndsey Moon, due to an auto accident occurring on June 9, 2017, when a City vehicle changed lanes and struck Claimant's vehicle.

BERKE TUINSTRA \$600.00 for repayment of money Claimant claims was in his wallet when he was arrested on April 27, 2017.

GARY KRUSE \$4,999.00 for settlement of a worker's compensation claim. Mr. Kruse sustained a work-related injury to his left shoulder on August 16, 2016, while working for the City in its Sewer Maintenance Division.

MIDAMERICAN ENERGY \$196.43 for damage to an overhead power line at 2549 E. 23rd Street on February 28, 2017, due to a City solid waste truck lifting its mechanical arm into the line which was hanging higher than the required minimum height.

NATIONWIDE AGRIBUSINESS INSURANCE CO. \$1,386.40 for subrogation claim of Claimant Terry Kofron's damaged vehicle as a result of an auto accident involving and EMS vehicle and Claimant's parked and unoccupied vehicle on June 7, 2017.

COUNTRY FINANCIAL \$2,446.08 for subrogation claim of Mateo and Marla Del Carmen's damages due to a sewer backup in their home at 2748 Logan Avenue, which was the result of a City sewer crew cleaning the sewer line on July 27, 2017.

CENTURYLINK \$3,483.83 for damage to a properly marked buried cable at 11th and Madison Avenue on June 7, 2017, caused by a City excavation crew.

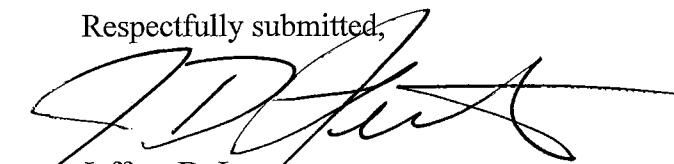
ROBERT WADDELL \$2,257.47 for auto damage as the result of a City Public Works vehicle making an improper turn and striking Claimant's vehicle on May 11, 2017.

RICHARD PUTMAN \$896.00 for damage to Claimant's garage and fence at 4045 4th Street, caused by overspray of an oil-based liquid to control dust in an alleyway on July 6, 2017.

KARMON LONG \$1,481.35 for auto damage as the result of a City police vehicle striking Claimant's parked and unoccupied vehicle on August 31, 2017.

JOHN & CRYSTAL NIEBAUM \$328.62 for damage to Claimant's vehicle as a result of a City police officer opening his car door, the wind catching it, hitting Claimant's vehicle and causing the damage on August 3, 2017.

Respectfully submitted,



Jeffrey D. Lester
City Attorney