



Roll Call Number

Agenda Item Number

20

Date January 22, 2018

Fourth 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

SENIOR LITIGATORS
John O. Haraldson
Shellie Mackel

Luke DeSmet
Ann M. DiDonato
Thomas G. Fisher Jr.
Glenna K. Frank
Douglas P. Philip
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 22, 2018

**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:

SHOTTENKIRK FORD COLLISION CENTER \$1,365.32 for repair of damage to Claimant Scott Fees's vehicle, which was struck by a City vehicle in the WRA parking lot on August 21, 2017.

RICHARD & PHYLLIS CACCIATORE \$72.25 for paint removal from Claimants' vehicle, which was the result of unmarked fresh paint at Beaver and Hickman on August 23, 2017.

BRIAN BROMMEL \$1,778.15 for repair of damage to Claimant's parked vehicle, which was struck by a City police car while it was backing up on September 22, 2017.

NANCY GUTHRIE \$549.18 for a sewer backup damage at 2904 Caulder Avenue on April 30, 2017, due to a blockage in the City main.

DONNA BRYANT \$895.00 for reimbursement of the cost of repairs made to a vehicle sold to Claimant by the City and which was later found to be stolen. The vehicle was returned to the rightful owner.

AMERICAN FAMILY INSURANCE \$1,762.52 for payment of subrogation claim of Claimant Synice Miller, whose vehicle was damaged when a squad car rear-ended it on December 15, 2016.

EDWARD WALSH \$1,050.00 for replacement cost of Claimant's handguns which were recovered and subsequently destroyed without proper notification to Claimant.

DOUG MEYERS \$1,908.59 for auto damage which was the result of Claimant driving through unmarked wet paint at Forest Avenue and Beaver Avenue on August 22, 2017.

JASON SITES \$378.00 for auto damage to Claimant's vehicle due to paint overspray which occurred while a City employee was marking locations in a parking garage related to a construction project on October 2, 2017.

PROGRESSIVE INSURANCE \$3,861.57 for damage to Claimants Abel and Janis Zeleke's vehicle from an auto accident with a City fire truck on September 27, 2017.

VINCENT & ANTONIETTE DeANGELIS \$394.32 for replacement of Claimant's storm door glass, which was broken while EMS crew was moving patient out Claimant's residence on October 16, 2017.

SCOTTY'S BODY SHOP \$1,714.02 for auto damage caused by a Public Works vehicle striking Claimant Devin Schmitt's parked and unoccupied vehicle on September 2, 2017.

TRAVELERS INSURANCE \$5,000.00 for insurance deductible for the personal injury claim of Jaysen McCleary, who sustained an injury on January 4, 2014, while attempting to assist in lifting a heavy toter to a solid waste truck, when the lifting arm broke and the toter fell on his head.

TANNER THACKER \$422.37 for refund of a purchased ATV, and subsequent ignition switch. The ATV was purchased from the Des Moines Police Department, was subsequently found to have a lien, so Claimant was not able to license it.

JOLENE PURDY \$3,700.94 for a sewer backup at 3100 Cleveland Avenue on April 11, 2017, caused by a blockage in the City main.

ERIC GANNON \$1,978.67 for damage to Claimant's vehicle due to a WRA dumpster blowing into his vehicle and causing damage on December 13, 2017.

CENTURYLINK c/o JNR ADJUSTMENT COMPANY \$698.34 for damage to Claimant's manhole casting caused by a City sewer crew at 19th Crocker Streets on July 20, 2017.

RICHARD CLARK \$2,379.77 for auto damage caused by a City police car on December 19, 2017, when the squad car was backing up and struck Claimant's parked and unoccupied vehicle.

Respectfully submitted,



Jeffrey D. Lester
City Attorney