



Roll Call Number

Agenda Item Number

20

Date October 8, 2018

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

Handwritten signature of Jeffrey D. Lester, City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

20

CITY ATTORNEY  
Jeffrey D. Lester

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

SENIOR LITIGATORS  
John O. Haraldson  
Sheille 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. Spodien  
Lisa A. Wieland



October 8, 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:

RAMON FERNANDEZ, \$4,975.75 in payment of claim of December 15, 2016 when police impounded claimant's vehicle and then auctioned the vehicle without proper notice.

TRAVELERS, \$4,898.70 for damage to claimant's vehicle on April 10, 2018 when a recycling truck failed to yield and hit claimant's vehicle on East Market Street at S.E. 27<sup>th</sup> Street.

INDIA STAR RESTAURANT, \$300.00 for property damage on June 19, 2018 when a police car hit a flower planter at 5514 Douglas Avenue.

CENTURYLINK, \$2,552.17 for property damage on March 30, 2018 when public works was digging and damaged a cable at 4511 Waveland Court.

CENTURYLINK c/o JNR ADJUSTMENT CO., \$698.34 for damage to claimant's manhole casting by the City sewer crew on July 20, 2017.

FARM BUREAU, \$1,251.54 for auto damage on May 10, 2018 when City vehicle backed into claimant's vehicle on Gray Street at S.W. 9<sup>th</sup> Street.

PAUL SAPP, \$169.55 for damages to property on May 18, 2018 when a City crew struck an invisible fence on claimant's property at 4540 S.E. 34<sup>th</sup> Street while installing a manhole structure.

JAMES PETERSON, \$750.00 for damages to claimant's stop box at 3334 Franklin Avenue while resurfacing the road in the Fall 2017.

RIVER OAKS CENTRE ASSOCIATION, \$2,948.75 for damages to claimant's irrigation piping while performing underground work at 63<sup>rd</sup> Street and Creston Avenue on an unknown date.

PATRICK MCCARTHY, \$1,770.10 for damages to claimant's vehicle while emptying a toter on July 23, 2018 on Beaver Avenue at Ashby.

ANITA GURWELL, \$1,881.22 for property damage on June 25, 2018 resulting from a sewage backup in the claimant's basement at 3306 Gleaves Court.

MCENROE, GOTSDINER, BREWER, STEINBACH & ROTHMAN P.C., \$4,500.00 for a personal injury claim resulting from a tent pole that fell on Megan Long's head at the Cownie Soccer Complex.

CAROLYN ISRAEL, \$390.50 for damages to claimant's vehicle on May 18, 2018 when a fire truck struck a parked car at 15<sup>th</sup> and Mulberry Streets.

STATE FARM SUBROGATION SERVICES, \$3,456.36 in payment of property damage claim of August 24, 2018 when a police car rear-ended stopped vehicle in the 800 block of I-235.

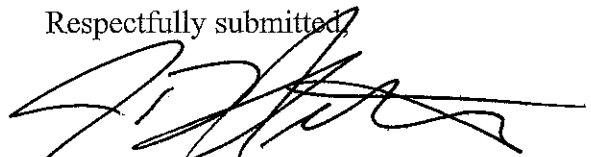
MARILYN GIST, \$3,111.25 for damage to claimant's vehicle on August 27, 2018 when a police officer was looking at a pedestrian situation in the parking lot of Quik Trip at 2945 East University Avenue and struck claimant's vehicle.

WAYNE LARSON COLLISION SPECIALIST, INC., \$811.87 in payment of property damage claim of July 23, 2018 when claimant was stopped at a red light and as traffic started to move the claimant was rear-ended by City vehicle.

ZZ SHOP BODY & PAINT, \$3,540.07 for damages to claimant's vehicle when fire truck was attempting to back up and struck parked vehicle at 3103 57<sup>th</sup> Street on December 18, 2017.

ANKENY AUTO BODY, \$1,279.50 in payment of an auto damage claim of August 31, 2018 when a garbage truck struck a parked and unoccupied vehicle on Linden Street.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney