



Roll Call Number

Agenda Item Number

31

Date January 14, 2019

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

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

CITY ATTORNEY
Jeffrey D. Lester

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

SENIOR LITIGATORS
John O. Haraldson
Shelie Mackel

ASSISTANT CITY ATTORNEYS
Roger K. Brown
Lawrence F. Dempsey

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



January 14, 2019

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:

RENDA AND JOHN SNYDER, \$467.38 in payment of a property damage claim of July 2, 2018 when police cadets placed a radar vehicle on the right-of-way at 2728 Easton Blvd.; the ground was saturated due to a recent rain and the radar vehicle left extensive ruts in the grass.

LAURA AND KEN MUNDY, \$1,650.00 for property damage when road grader struck claimant's fence on July 30, 2018.

JAMES MARCHINO, \$2,203.75 for property damage claim of September 17, 2018 when City employee struck parked and unoccupied vehicle while exiting a parking spot at 6121 Creston Avenue.

CHRISTINE OPFER, \$1,167.37 in payment of claim of September 13, 2018 when City vehicle struck parked vehicle at the 7th and Center parking ramp.

TRAVELERS, \$5,000.00 to pay deductible for claim of December 12, 2017 when recycling truck backed into stopped claimant vehicle on Douglas Avenue at 14th Street.

TIM MILLER, \$706.86 for repairs to electrical service and house siding due to a tree in the right-of-way falling and damaging the property at 916 East 26th Court on September 15, 2018. The tree had been marked for removal due to structural instability, but had not yet been removed.

LORI COLE-MAGERKO AND LUKE MAGERKO, \$1,137.10 for property damage resulting from a sewer backup at 233 S.W. 42nd Street on November 13, 2018.

LATOYA LEWIS, \$549.88 for loss of property. Claimant's vehicle was impounded on October 13, 2018 and her purse and contents were missing after impound.

JERRY AND DEBORAH MCFERRON, \$938.04 for property damage caused on September 20, 2018 when the City sewer was blocked and caused a backup at 2807 47th Street.

DORENE STEVENS, \$745.00 in payment of claim of March 26, 2015, when claimant, Anthony Formaro, was arrested and personal property was taken into evidence. A hold was put on the property and a certified notice should have been sent to the claimant so he would have time to claim the items. The items were disposed of and the police have been unable to locate a copy of the notice.

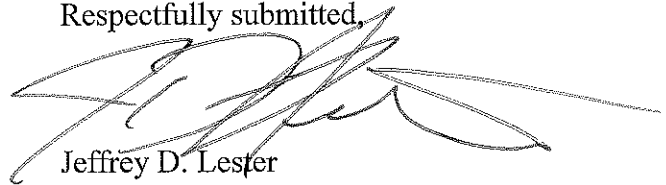
SHERRIE BROWN, \$700.00 for property damage resulting from incident of November 27, 2018 when a Forestry crew was grinding a tree stump from a tree that had been removed at 1003 Scott Avenue and damaged claimant's fence.

CENTURYLINK C/O JNR ADJUSTMENT COMPANY INC., \$4,955.17 in payment of property damage claim regarding incident of July 2, 2018 when dump truck driver forgot to lower the truck box and struck an overhead wire at S.E. 15th Street and Maury.

FARMERS MUTUAL HAIL INSURANCE COMPANY OF IOWA, \$4,064.44 for vehicle damages resulting from incident of October 4, 2018 when street sweeper driver backed into claimant at 37th Street and University Avenue.

MARION DUPUY, \$3,268.75 in payment of property damage regarding claim of December 5, 2018 when snow plow driver struck claimant's vehicle while northbound on Hubbell Avenue at Broadway.

Respectfully submitted,



Jeffrey D. Lester
City Attorney