



Roll Call Number

Agenda Item Number

24

Date April 8, 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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

24

CITY ATTORNEY
Jeffrey D. Lester

SENIOR LITIGATORS
John O. Haraldson
Shellie Mackel

Luke DeSmet
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Glenna K. Frank
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DEPUTY CITY ATTORNEYS
Lawrence R. McDowell
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ASSISTANT CITY ATTORNEYS
Roger K. Brown
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April 8, 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:

TRAVIS BIDDLE, \$1,191.00 in payment of claim filed December 20, 2018. Claimant had been billed for a second garbage toter at 4027 41st Street from February 2009 through November 2018; a second toter was never delivered by the City.

JASON HESS, \$4,224.82 for property damage claim of October 27, 2018 when there was a blockage in the City main which caused a sewer backup in claimant's basement at 2808 Hull Avenue.

MIDAMERICAN ENERGY, \$172.64 for damage to an overhead wire that was struck by a yard waste collection truck on November 12, 2018 at 2606 46th Street.

MARS COFFEE BAR, \$241.00 for property damage when Traffic and Transportation employee emptying change from the meters broke claimant's sign on November 20, 2018.

MISAEEL HERNANDEZ, \$776.13 in payment of property damage claim of November 28, 2018 when City driver backed into claimant's vehicle that was parked at 2410 56th Street.

DAWN THORPE, \$478.98 in payment of claim of December 1, 2018 when claimant was exiting a parking spot on the southwest corner of E. Grand Avenue and East 6th Street and struck the stub of a post, resulting in two flat tires. City crews previously removed the damaged post of the road sign but did not remove the stub portion which was bolted into the right-of-way.

NORMA BOYLAN, \$329.00 for damage to claimant's property when Fire EMS crew struck a statue with a gurney on December 2, 2018 at 3120 East Douglas Avenue.

BRUCE AND DEBBIE MILLER, \$570.38 for property damage resulting from incident of December 23, 2018 when a blockage in the City main caused a sewage backup at 2511 Morton Avenue. A second claim at 2511 Morton for \$127.98 for property damage was as the result of a second obstruction in the main that caused another backup of sewage into the basement on February 2, 2019.

TODD ADAMSON, \$30.00 (ordinance claim limit) in payment of claim of January 14, 2019 when snowplow struck claimant's mailbox at 3204 Hubbell Avenue.

DAVID AND JENNIFER NUTTING, \$30 for damage to mailbox struck by a snowplow on January 22, 2019 at 404 East Park Avenue.

LINDA REYNOLDS, \$30.00 for damage to mailbox that was struck by a snowplow on January 23, 2019 at 7906 S.W. 9th Street.

CHESTER CLUKE, \$1,820.63 for vehicle damage when snowplow struck parked car in the 2600 block of Columbia Street on January 23, 2019.

MICHAEL PRIEBE, \$1,446.26 in payment of claim in which a fire engine struck a parked vehicle on January 31, 2019 on College Avenue at 33rd Street.

BRYANT WHEELER, \$1,424.38 in payment of claim of February 8, 2019 when snow plow struck illegally parked car at 714 27th Street; the City claim was reduced by 50% due to Claimant's illegal parking while the snow ordinance was in effect.

BRET AND SUSAN DEVRIES, \$30.00 for damage to mailbox that was struck by a snowplow on February 11, 2019 at 4112 S.E. 24th Court.

KRIS FLEURESTIL, \$2,173.50 in payment of property damage claim of February 18, 2019 when snowplow struck illegally parked vehicle at 3100 Madison Avenue; claim was reduced by 50% due to illegal parking by claimant.

SCOTT AND SARAH WILSON, \$329.39 in payment of claim of February 20, 2019 when snowplow struck parked car at 1501 57th Place.

RICK PERSINGER AND LESLIE YOUNG, \$30.00 to replace a mailbox that was struck by a snowplow on February 20, 2019 at 5513 S.E. 29th Street.

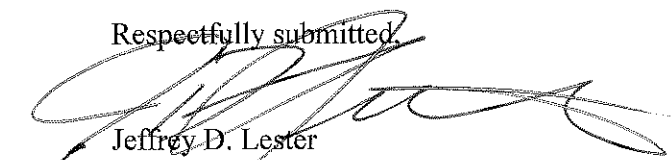
SEVMEA CHE, \$672.04 for property damage resulting from incident of February 24, 2019 when police car backed into parked vehicle at QuikTrip.

DAVID KLINE, \$272.00 in payment of property damage claim when snowplow struck claimant's vehicle and broke the side mirror on February 24, 2019 at 1801 East 32nd Court.

BILL AND DEBORAH CHILES, \$30 in payment for mailbox that was damaged by snowplow on February 24, 2019 at 2115 Evergreen.

NICO HARRIS, \$4,188.75 for repairs to claimant's vehicle resulting from incident of February 26, 2019 when end loader was moving snow and backed into vehicle on Kingman Blvd. at 25th Street.

Respectfully submitted,


Jeffrey D. Lester
City Attorney