



**Roll Call Number**

**Agenda Item Number**

48

.....  
April 22, 2019

**Date** .....

Request from Wesley Hayworth, 2305 E. 9<sup>th</sup>, to speak regarding denial of a claim.

Moved by \_\_\_\_\_ to

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BOESEN         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| MANDELBAUM     |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| TOTAL          |      |      |      |        |

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

48

To: The Honorable Mayor  
And  
Members of the City Council  
City of Des Moines, Iowa  
c/o City Clerk

2019 APR -0 PM 1:23  
CITY CLERK  
DES MOINES, IA

I/We Wesley R Hayworth  
(Please Print)

hereby request permission to speak at the Des Moines City Council  
meeting of April 8<sup>22</sup>, 2019, regarding  
see attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you contacted any City Staff regarding the subject matter of your request? If so, please advise which department or individual.

Yes - see attached

Name: Wesley R Hayworth  
(Signature)

Address: 2305 E 9<sup>th</sup> St.

Daytime Phone: 515 265 1458

**PROCEDURAL RULES OF DES MOINES CITY COUNCIL:**

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Tuesday preceding the Council meeting.

Wesley R. Hayworth  
2305 E. 9<sup>th</sup> St.  
Des Moines, IA 50316  
April 7, 2019

City of Des Moines  
Legal Department  
400 Robert D. Ray Drive  
Des Moines, IA 50309-1891

Re: your denial of my claim DOL 2/27/2019

You claim that you are not liable for damage to my car on 2/27/2019 because the City had insufficient prior knowledge of the City's pothole located in front of 1367 Pennsylvania. You further claim that you were notified on 2/26/2019 and that the City did not have a reasonable time to repair their pothole. Was 2/26/19 the initial notification the City received, and are you claiming the City had no opportunity to see this pothole prior to 2/26/19?

The City should have known about this pothole, having a fleet of vehicles driving around the City on a daily basis. Also a nearby homeowner stated that this pothole was reported, closed out by the City, and re-reported. The City did not "repair" their pothole for at least a week following notification and the subject incident. "Repair," or the City's concept of "repair," was not the only option. The City could have placed cones or barricades in front of their pothole. The City could also have closed that lane or closed the street.

You seem to imply that I was somehow negligent. The City's pothole was open but not so obvious. I did not see the City's pothole because it was full of black water and in the shaded area. My passenger states she did not see the City's pothole either. My car is legally licensed, registered and insured; my driver license is current and valid with no restrictions. This is not a case of driving too fast for conditions; this is a case of the posted speed limit being too high for the City's potholes.

The City doesn't seem to be interested in fixing the problem, only interested in denying and defending valid claims using taxpayer resources.

According to a report on Channel 8 (see attached), Johnathan Gano claims that the Cold Mix Asphalt (CMA) being used by the City, is the only remedy available to the City and that the CMA being used is expected to last two weeks or less. I do not believe the CMA being used by the City is the only product available. A patch expected to last only two weeks is not "repair," the more accurate term is "waste." The City could consider other options as stated above. The City seems to believe that warmer weather will be their pothole salvation. Their potholes will still be there.

It is not possible to drive safely in certain areas of the City. A person driving slow enough—or stopping—to avoid the City's potholes is at risk for a rear-end collision or road rage.

Sincerely,

Wesley R. Hayworth

Copy: Des Moines City Clerk, Linda Westergard, Connie Bosen and Scott Sanders

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According to Gano, potholes can be temporarily patched with cold-mix asphalt within 24 to 48 hours. Cold mix asphalt does not fully set and is the only remedy available during the winter months.

"If we can get a couple weeks out of it, that would be a good performance," Gano said.

"Come summertime, we would expect to get a couple years out of hot mix asphalt."



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.....  
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**Date** .....

Request from Jenni Klise, 2505 47<sup>th</sup> Street, to speak regarding Citizen's Advisory Board status.

Moved by \_\_\_\_\_ to \_\_\_\_\_

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|----------------|------|------|------|--------|
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MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Tuesday, April 16, 2019 3:32 PM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Jenni Klise  
Address = 2505 47th Street  
City\_Town = Des Moines  
Stat\_Prov = IA  
Zip = 50310  
Phone = 515-318-4773  
Email = jenniverity@gmail.com  
Speaker(s) = Jenni Klise  
Meeting Date = Monday, April 22, 2019  
Regarding = Citizen's Advisory Board - status  
Client IP = 108.171.131.187