



Roll Call Number

Agenda Item Number

39

Date January 13, 2020

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				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, Acting 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

Acting City Clerk

**CITY ATTORNEY**  
Jeffrey D. Lester

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

**SENIOR LITIGATORS**  
John O. Haraldson  
Shellie Mackel

**ASSISTANT CITY ATTORNEYS**  
Roger K. Brown  
Lawrence F. Dempsey  
Luke DeSmet

Ann M. DiDonato  
Thomas G. Fisher Jr.  
Glenna K. Frank  
Megan E. Norberg  
Judy K. Parks-Kruse  
Douglas P. Philip  
Lisa A. Wieland



January 13, 2020

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:

PAUL BEHRENDTSEN, \$243.60 for damage to claimant's vehicle when snowplow struck driver's side mirror of parked and unoccupied vehicle at 2525 E. Ovid Avenue on February 21, 2019.

BETHANY KNUPP, \$3,621.46 in payment of property damage claim of March 25, 2019 when City main was blocked and caused a sewage backup into the basement at 1304 57<sup>th</sup> Place.

JESSICA CLEMENTI, \$2,520.00 in payment of claim of April 4, 2019 when the claimant's motorcycle was impounded at the time of his arrest; the motorcycle was sold, however, the claimant was not properly notified that the motorcycle would be sold if it was not claimed.

EQUIAN, \$1,615.14 for property damages and cleanup expenses resulting from incident of April 15, 2019 when the City main was blocked and caused a sewage backup into basement at 4110 East Garden Avenue.

GARRISON PROPERTY & CASUALTY INSURANCE COMPANY AS SUBROGEE OF EMILY AND STEVE LEONARD, \$4,352.17 for damages to claimant's vehicle that was stopped at a red light at S.E. 6<sup>th</sup> and Hartford and a police vehicle rear-ended the vehicle on May 29, 2019.

MILTON AND DONALD SUDBROCK, \$923.40 for a property damage claim of June 22, 2019. The City was in the process of a storm sewer upgrade in the neighborhood but it was not complete due to a problem with an easement acquisition. This resulted in a storm sewer backup at 3021 Dean Avenue.

COLE FULLER, \$300.09 in payment of claim of July 2, 2019 after a City employee who was operating a backhoe moved the bucket too close to a utility pole and the claimant's service access was pulled out of the residence at 1731 13<sup>th</sup> Street.

DAVID WAY, \$86.14 to pay for property damage resulting from incident on July 18, 2019 when the police were performing a welfare check at 415 East Euclid Avenue and broke the lock while gaining entry. The Police Department desired to reimburse the homeowner.

IGNACIA MORALES, \$1,413.63 for property damage caused on July 26, 2019 during an arrest when police officers arrested a suspect by using the hood of claimant's vehicle at 1606 East 12<sup>th</sup> Street.

THE HARTFORD AS SUBROGEE OF STEVE AND DORIS SWANSON, \$3,093.34 in payment of property damage of July 29, 2019 when claimant's vehicle was stopped at a stop light at Locust and 15<sup>th</sup> Streets and a Parks employee rear-ended the vehicle.

CONCETTA MORALES, \$917.65 for a personal injury claim when claimant tripped over a 1" deviation in the sidewalk on the Riverwalk at Water Street at the Hub Spot on August 9, 2019.

DIANTHA ROBINSON, \$361.39 in payment of a property damage claim of August 14, 2019 when an AC unit in the ceiling above the claimant's closet leaked water into a basket of clothes at 3400 8<sup>th</sup> Street, Unit #323.

CATHERINE WELTHA, \$2,978.70 in payment of property damage claim of August 17, 2019 when claimant struck a pothole at 697 18<sup>th</sup> Street; the City was aware of the pothole and failed to repair it in a timely manner.

GRAND HOMES III, LLC, \$1,310.00 in payment of claim of September 20, 2019 when claimant was installing an underground sewer system at 4208 E. 29<sup>th</sup> Street, the plumbing inspector advised that to meet code, they would have to install a P-Trap 42" under the home with a 3" vent line per City Code. Despite the fact that the home is HUD pre-certified with a federal preemption, the inspector insisted on the venting. It was later determined that such a code does not exist.

MELISSA STEWART, \$3,011.22 in payment of property damage resulting from incident of September 22, 2019 when an obstruction in the City sewer main caused a backup into claimant's basement at 3023 1<sup>st</sup> Street.

SCOTTY'S BODY SHOP, \$2,746.06 for repairs to claimant's vehicle resulting from incident of September 23, 2019 when a leaking pipe in the ceiling of the ramp at 5<sup>th</sup> and Keo caused rusty water to drip onto the vehicle.

GREGORY RUDOLPH, \$1,073.21 for property damage resulting from incident of September 23, 2019 when a City driver emptied a toter and while pulling forward to the next toter with the arm down and the "claw" open; the claw struck claimant's parked and unoccupied vehicle at 1323 24<sup>th</sup> Street.

DANIEL AND MELINDA DEVRIESE, \$4,528.14 in payment of property damage claim of October 1, 2019 when the City main was blocked which caused a sewer backup at 1050 33<sup>rd</sup> Street.

GILBERTA JUAREZ-LOPEZ, \$2,938.75 for vehicle damage of October 2, 2019 when claimant stopped her vehicle due to an oncoming emergent ambulance and was rear-ended by a squad car in the 2600 block of S.E. 6<sup>th</sup> Street.

JAMES BECKER, \$356.94 for damage to claimant's vehicle resulting from hitting a pothole on October 2, 2019 in the 1700 block of Fleur Drive; the City was aware of the pothole and failed to repair it within a timely manner.

JEREMY AND ANNE MEAD, \$3,988.70 in payment of claim of October 2, 2019 when a blockage in the sewer main caused a backup into the claimants' basement at 216 E. Pleasantview Drive, causing damage to the finish and to personal property.

GALILEE BAPTIST CHURCH, \$1,000.00 in payment of property damage claim of October 3, 2019 when there was an obstruction in the City main which caused the sewer to backup into claimant's basement.

WALBERTO MEJIA, \$3,101.12 for property damage on October 22, 2019 when a solid waste employee was in the process of picking up a toter and he opened the grippers too far and struck claimant's vehicle.

JIM HAWK TRUCK TRAILERS, INC., \$253.21 in payment of claim of incident of November 12, 2019 when claimant vehicle was southbound on E. 30<sup>th</sup> Street waiting to make a turn onto Dean Avenue. The City vehicle was also southbound on E. 30<sup>th</sup>, but in the thru lane. As the City vehicle passed the stopped vehicle an open tool box door on the side of a City vehicle struck claimant's passenger side view mirror.

BRIDGET COOLEY AND CRUZITO GOMEZ, \$362.22 for damage to claimant's vehicle on November 13, 2019 when a toter at 3016 E. Porter Avenue was lifted for dumping and because it was overloaded, it fell and broke the vehicle's windshield.

KRISTA AND JEFFREY WIESE, \$133.54 for property damage when the police left a stop stick in the street on Fleur Drive on November 16, 2019 and the claimant struck it causing damage to the vehicle's tire.

ANDY AND BARBARA PAPPAS, \$3,247.00 in payment of claim of November 18, 2019 when a police officer went to 2525 Country Side Place to investigate a traffic accident. He failed to put the squad car in park and it rolled into the claimants' garage door.

ELSADIG IBRAHIM, \$268.75 for damage resulting from a blockage in the City main that caused sewage backup into claimant's basement at 3940 Bel Aire Road on December 8, 2019.

Respectfully submitted,



Jeffrey D. Lester  
City Attorney