



Roll Call Number

Agenda Item Number

23 I

Date October 19, 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

Jeffrey D. Lester
City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

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.

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



October 19, 2020

HONORABLE MAYOR AND MEMBERS OF
THE DES MOINES CITY COUNCIL

Re: Report of Claims and Lawsuits \$5,000.00 and Under

Pursuant to the authority and direction of the Des Moines City Council which allows the City Attorney to settle claims and lawsuits not to exceed \$5,000.00, I submit to Council the following chronological summary report of settlements made in the 3rd Quarter, 2020:

JOSE CASTILLO, C/O SHINDLER ANDERSON CLIENT TRUST ACCOUNT, \$4,000.00 for personal injury damages due to a police dog bite near 7401 SW 9th Street on April 7, 2018.

MIDAMERICAN ENERGY, \$1,097.72 for damage caused by a City dump truck damage to an overhead power line near 2600 Acorn Street on September 23, 2019.

MIDAMERICAN ENERGY, \$1,470.88 for damage caused by a City snowplow to a utility pole near 3814 57th Street on January 18, 2020.

LIME LOUNGE, LLC, \$4,100.00 for vehicle damage due to an automobile accident with a Neighborhood Inspection vehicle near East Grand and East 2nd Avenue on February 27, 2020.

THOMAS FORCK, \$3,031.84 for property damage caused by a sewer backup at 951 23rd Street as a result of a blockage in the City main on March 4, 2020.

NICOLE GLOVER, \$727.71 for property damage due to an automobile accident with a City squad car at SE 14th & Diehl on March 4, 2020.

CARLOS PAZ, \$4,825.00 for vehicle damage due to an automobile accident with a City squad car at South Union and Kenyon on March 16, 2020.

MIDAMERICAN ENERGY, \$176.50 for damage caused by a City dump truck to an overhead power line near 2516 East Madison on May 18, 2020.

KAREN SCHULTZ, \$588.00 for property damage at 2516 Madison Avenue when a City dump truck struck an overhead utility line, pulling it from Claimant's property at 2516 East Madison Avenue on May 20, 2020.

MAE BELL, \$891.85 for vehicle damage caused by a City squad car near 2917 Grand Avenue on May 25, 2020.

ARIANNA MARTINEZ, \$3,950.22 for vehicle damage due to an automobile accident with a City dump truck at Army Post Road and Southwest 9th Street on May 26, 2020.

PHIL LUMLEY, \$226.54 for Claimant's hotel expenses when sewer gases backed up into their home at 309 59th Street during a sewer lining project on May 28, 2020.

JASON VIPOND, \$1,310.75 for vehicle damage by a City Parks' vehicle near 3126 Twana on June 2, 2020.

NYACHUAT MALUAL, \$781.50 for property damage due to an automobile accident with a Public Works vehicle near 1423 17th Street on June 29, 2020.

SALURI, LLC, \$3,811.00 for damage to Claimant Nyachuat Malual's vehicle due to the automobile accident cited above (Malual) for which there were two claimants.

DENNIS FALK, \$30.00 for damage to Claimant's mailbox at 4501 Twana Drive after an ambulance backed into it on June 11, 2020.

STONY LAKE, LLC, \$3,213.31 for damage to Claimant's property located at 3912 53rd Street due to a sewer backup caused by a blockage in the City main on August 4, 2020.

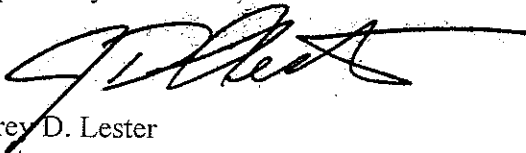
ANTHONY & ASHLEY KLEMM, \$4,046.74 for damage to Claimant's fence at 510 Foster Drive caused by City-owned tree limbs on August 10, 2020.

WEST BEND, \$4,790.40 for automobile damage to Claimant Stephen Gassman's vehicle due to an auto accident with a City garbage truck near 48th Place on August 10, 2020.

MYCHELLE WINFREY, 1,166.78 for damage to Claimant's vehicle due to an accident with a City squad car near 1811 12th Street on August 20, 2020.

SCHLARBAUM AUTO BODY, \$869.91 for damage to Claimant Carolyn Lomax's vehicle after a branch fell out of a City dump truck and struck her vehicle near Fleur Drive at MLK on August 26, 2020.

Respectfully submitted,



Jeffrey D. Lester
City Attorney