



Roll Call Number

Agenda Item Number

21

Date April 19, 2021

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

Mayor

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.

Acting City Clerk

CITY ATTORNEY
Jeffrey D. Lester

SENIOR LITIGATORS
John O. Haraldson
Shellie Mackel

Glenna K. Frank
Megan E. Norberg
Judy K. Parks-Kruse
Douglas P. Philip
Molly Tracy
Lisa A. Wieland

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

ASSISTANT CITY ATTORNEYS
Luke DeSmet
Ann M. DiDonato
Thomas G. Fisher Jr.



April 19, 2021

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 1st Quarter, 2021:

LINDA SWANSON, \$1,863.94 for damage to Claimant’s sidewalk at 4525 Kingman Boulevard from heavy equipment on Claimant’s sidewalk requiring a portion to be replaced on August 25, 2020.

NATIONWIDE INSURANCE AS SUBROGEE OF JARED MCMURRAY, \$1,165.71 for damage to Claimant’s auto at Eastbound I-235 off ramp at Keo by a city vehicle on September 5, 2020.

DIANA JIMENEZ, \$699.99 for loss of Claimant’s cell phone by City staff at 7511 Dennis Drive in Urbandale on September 13, 2020.

TODD WILSON, \$1,236.97 for damage to Claimant’s vehicle at McKinley East of Southeast 14th Street by a street sweeper on October 29, 2020.

HILLTOP APARTMENTS, \$194.76 for damage to Claimant’s property at 3722 Hubbell Avenue by city staff on December 5, 2020.

JANE LATCHEM, \$175.00 for damage to Claimant’s privacy fence at 3962 Sherman Boulevard by a City snowplow on December 12, 2020.

SCOTT FAIRMAN, \$62.65 for damage to Claimant’s auto at 1143 Clinton Avenue by a City garbage truck on December 15, 2020.

SHERYL DEPATTEN, \$1,483.82 -and \$772. 01 to SCOTTY’S BODY SHOP -for damage to Claimant’s auto at 1633 East 24th Street by a City snowplow on December 20, 2020.

MATT and LISA BENNETT, \$30.00 for damage to Claimants’ mailbox at 5707 Southeast 32nd Street by a City snowplow on December 30, 2020.

DENNIS and LORI JONES, \$30.00 for damage to Claimants' mailbox at 2901 Summit Vista by a City snowplow on December 30, 2020.

KELLEY FRARY, \$2,794.40 for damage to Claimant's auto at 3931 10th Street by a City snowplow on December 30, 2020.

LINDA MACK, \$4,795.91 (divided into two payments of \$1,609.19 and \$3,186.72) for damage to Claimant's basement at 1018 Hackley by a City main blockage causing damage to carpet and personal items on January 19, 2021.

HOUSE BUYERS, \$4,683.25 for damage to Claimant's residence at 2317 South Union Street from sewer backup resulting in cleanup and sanitization bills on January 22, 2021.

ANN SCHULTZ, \$30.00 for damage to Claimant's mailbox at 4239 Beaver Avenue by a snowplow on January 25, 2021.

RICHARD and GALE BUTLER, \$30.00 for damage to Claimants' mailbox at 3822 Indianola Avenue by a City snowplow on January 26, 2021.

ELSADIG IBRAHIM, \$330.73 for damage to Claimant's basement by a City main blockage causing backup into Claimant's basement resulting in cleanup expenses at 3920 Bel Aire Road on January 27, 2021.

DEWEY FORD, \$3,984.42 for damage to Claimant's vehicle at Court Avenue at East 6th Street from a city vehicle striking Claimant's vehicle on January 29, 2021.

JAE CLARK, \$1,964.60 for damage to Claimant's auto at 1442 13th Street by a City snowplow on January 30, 2021.

DOROTHY MILLER and CAROL MARKS, \$30.00 for damage to Claimants' mailbox at 2433 Southeast 14th Street by a snowplow on February 4, 2021.

CAMERON and MARTA HARPER, \$1,293.90 for damage to Claimant's vehicle at 1156 Ascension Street from a snowplow on February 8, 2021.

SUSAN COURTNEY, \$2,137.50 for damage to Claimant's vehicle at 2526 Maple Street by a city vehicle on February 13, 2021.

KATHERINE WENIG, \$30.00 for damage to Claimant's mailbox at 5721 Southeast 30th Court by a snowplow on February 14, 2021.

SHANE BENDGEN, \$1,689.53 for damage to Claimant's vehicle at 5816 Pleasant Street by a city vehicle on February 17, 2021.

DEYARMAN FORD, \$2,475.37 for repair to Mary Hood's vehicle from an accident with an ambulance at East 2nd and McKinley on February 17, 2021.

KAILEY, DENNIS AND KELLY GRAY, \$3,390.25 for sewage backup damage to Claimant's basement on February 18, 2021.

JENIFER DAVIS, \$1,500.00 for ambulance bill reimbursement on February 22, 2021.

Respectfully submitted,



Jeffrey D. Lester
City Attorney