

Date: May 18, 2009

WHEREAS, Michael Rote, a former City employee with the Public Works Department, Street Maintenance Division, injured his right shoulder on October 10, 2006; and

WHEREAS, Mr. Rote incurred this injury within the course and scope of his employment; and

WHEREAS, Mr. Rote has been paid the impairment rating of 6% and is entitled to additional payment for industrial loss;

WHEREAS, Mr. Rote, through his attorney, is willing to settle this workers' compensation claim by compromise settlement for the lump sum of \$58,154.27.

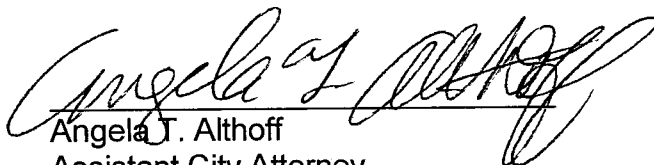
WHEREAS, it is the opinion of the Legal Department that such payment, representing 40% total industrial disability with a credit for the 6% previously paid, would be in the best interest of the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment of \$58,154.27 to Michael Rote and his attorney, Jerry Jackson, Moranville & Jackson, P.C., 1601 22nd St., Ste. 305, West Des Moines, IA 50266, be made and the same is hereby approved and the Finance Director is authorized and directed to draw a warrant accordingly under Fund Codes 529810 SP360 PWK040400.

FORM APPROVED:

MOVED BY Kiernan TO ADOPT


Angela T. Althoff
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

MOTION CARRIED

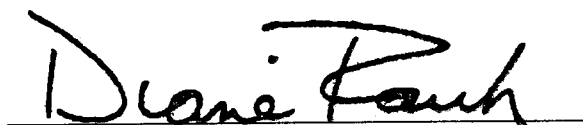
APPROVED


T. M. Franklin
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.


Diane Rauh
City Clerk