

★ Roll Call Number

10-910

Agenda Item Number

32A

Date June 14, 2010

WHEREAS, Mark Bainter, a Horticultural Technician for the Parks Department, sustained injuries to his low back and neck on August 16, 2007 and to his right shoulder on June 14, 2008; and

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

WHEREAS, Mr. Bainter has previously received and been paid for impairment ratings from the treating doctors. The proposed payment is for industrial disability in exchange for a settlement agreement; and

WHEREAS, it is the opinion of the Legal Department that payment of the rating 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 \$26,996.43 to Mark Bainter 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 GE001 PKS070450.

FORM APPROVED:

MOVED BY Hensley TO ADOPT

Angela T. Althoff by GDD  
 Angela T. Althoff  
 Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

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  
T. M. Franklin Mayor

Diane Rauh City Clerk