



Roll Call Number

24-0869

Agenda Item Number

28

Date: June 17, 2024

APPROVING ACCEPTANCE OF PAYMENT FOR DAMAGE TO CITY PROPERTY FROM FARMERS INSURANCE AS INSURER OF CARSON MCDANIEL

WHEREAS, Farmers Insurance has submitted an offer for settlement after its insured's actions damaged a traffic control device in December 2023; and

WHEREAS, a settlement agreement has been negotiated with Farmers Insurance which represents less than the total damage incurred by the City but which exceeds the limits of coverage; and

WHEREAS, it is the opinion of the Legal Department that collection of the payment 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 the Legal Department hereby is authorized to enter into the collection settlement agreement negotiated in this matter, execute any documents necessary to effectuate the terms of the collection agreement, and to receive payment of the collection settlement amount is approved.

BE IT FURTHER RESOLVED that the City Attorney is authorized to settle future similar collection claims without additional City Council action when policy limits for all parties have been exceeded and the City Attorney determines that the share received by the City is equitable and reasonable under the circumstances.

MOVED BY Gatto TO ADOPT.
SECOND BY Voss

Approved as to Form: /s/: Carol J. Moser

Carol J. Moser Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Connie Boesen Mayor

Laura Baumgartner City Clerk