

★ Roll Call Number

Agenda Item Number

29

Date June 5, 2006

Communication from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.00.

MOVED BY _____ to receive, file and affirm settlements made by City Attorney.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

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

Mayor

City Clerk

June 5, 2006

HONORABLE MAYOR AND MEMBERS OF
THE DES MOINES CITY COUNCIL

Re: Report to Council

Pursuant to the authority and direction of Council authorizing the City Attorney to settle claims, lawsuits and workers compensation actions for a total sum not to exceed \$5,000, I submit to Council the following summary report of settlements made:

DEBBIE ROGERS, \$988.35 in payment of claim regarding incident of 8/11/05 when claimant struck a dislodged manhole cover on King Avenue at S.E. 19th Street.

MIDAMERICAN ENERGY COMPANY, \$1,767.49 in payment of claim of 1/9/06 when City crew struck gas line at 2401 Lyon Street.

OWEN CRIST AUTO BODY, \$184.50 for storage charges associated for claim of 12/08/05 when City plow driver backed into claimant's car on Merle Hay Road near Meredith.

VICTOR KENNEDY, \$170.42 in payment of claim of 12/31/05 when sanitary sewer was obstructed at 3618 South Union.

AMERICAN FAMILY INSURANCE COMPANY, \$325.66 for property damage to Third Party resulting from claim of 4/20/03 when police officer tried to avoid claimant who turned in front of him and struck third party in the 2400 block of Hickman Road.

HELEN DECKER, \$252.43 for plumber's call, cleaning and cleaning supplies resulting from obstructed sanitary sewer on 1/26/06 and 2/11/06 at 2400 Capitol Avenue.

LARRY SESKER, \$193.50 for property damage and cleaning supplies resulting from obstructed sanitary sewer on 1/24/06 at 4249 46th Street.

MARK SMITH AND SCHLARBAUM AUTO BODY, INC., \$2,529.14 for damages to claimant's vehicle on 2/14/06 when ladder from fire truck fell and struck claimant's vehicle at 2600 Bell Avenue; ENTERPRISE RENT-A-CAR, \$299.59 for rental car expense.

BEVERLY ALLEN, \$41.21 to replace mailbox damaged by City garbage truck on 1/7/06 at 431 East Bell Avenue.

NEAL WESTERGAARD, \$906.40 in payment of claim of 1/26/06 when fire pumper truck hit claimant's vehicle at East 24th Court and Madison Avenue.



LEGAL DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4130 Administration
(515) 283-4564 Litigation
FAX (515) 237-1643 Administration
(515) 237-1748 Litigation

ALL-AMERICAN CITY
1949, 1976, 1981
2003

CITY ATTORNEY
BRUCE E. BERGMAN

DEPUTY CITY ATTORNEYS
MARK GODWIN
LAWRENCE R. McDOWELL
KATHLEEN VANDERPOOL

ASSISTANT CITY ATTORNEYS
ROGER K. BROWN
EMILY GOULD CHAFA
THOMAS J. CLARKE, JR.
ANN M. DIDONATO
DAVID A. FERREE
MICHAEL F. KELLEY
MARY A. LAUGHLIN
VICKY L. LONG HILL
SUSAN A. LOW
STEVEN C. LUSSIER
KATHARINE J. MASSIER
CAROL J. MOSER
DOUGLAS P. PHILIPH

ADAM GOODVIN AND HIS ATTORNEY JOSEPH REEDY, \$2,000.00 for personal injury claim resulting from incident of 1/15/01 when snowplow driver ran red light and struck vehicle at 9th and Keo Way.

TERRANCE VORBRICH, \$500.00 for payment of insurance deductible regarding claim of 09/09/05 when City employee was using his personal vehicle for City business and it was struck by a hit and run driver at 13375 University Avenue, Clive, Iowa.

GINA BLASKOVICH, \$30.00 for mailbox that was struck by City snowplow on 2/9/06 at 3006 S.W. 40th street.

STEVEN BECKETT, \$741.74 for repairs to City Firefighter's vehicle resulting from incident of 2/13/06 when garbage container at Fire Station #3, located at Easton and Hubbell, rolled into claimant's pickup.

ELLIS LAND MANAGEMENT, \$674.20 in payment of claim from the fall of 2005 when claimant leased land from the Airport to plant soybeans and Airport crews damaged soybeans by driving over them while moving dirt and brush.

DUSTIN OLIVERSON, \$143.00 in payment of tow bill and cab fare resulting from incident of 2/9/06 when police officer pulled from a parking lot in the 2300 block of Hickman Road and struck claimant's vehicle; TMC AUTO BODY, \$3,516.76 for repairs to vehicle.

KINMAN GLASS, \$96.29 in payment of claim of 1/28/06 when Fire Department broke claimant's window at 1532 20th Place while moving brush and equipment while fighting fire at house next door.

JIM KALE, \$3,929.35 in payment of claim of 1/7/06 when sanitary sewer was obstructed and caused property damage at 3123 Dubuque.

TIMOTHY LASH, \$1,450.00 for property damage resulting from incident of 3/2/06 when Fire Department employee rear-ended claimant on Euclid Avenue at 12th Street.

WYCKOFF INDUSTRIES, \$701.05 in payment of claim of 2/25/06 when police officer backed into claimant's parked van in the 3100 block of East Washington.

FELICIA BERTIN ROCHA, \$500.00 for vehicle damage caused on 12/8/06 when City snowplow hit claimant's parked car at 3919 Franklin Avenue.

ROBERT CALDWELL, \$891.95 for property damage resulting from obstructed sanitary sewer on 2/12/06 at 7500 S.W. 14th Street; GALLON PLUMBING AND REMODELING, INC., \$480.00 for plumber's call; and SERVICEMASTER WEST, \$1,178.38 for cleaning resulting from the obstructed sewer.

SMITH'S SEWER SERVICE, \$450.50 for services related to obstructed sanitary sewer at 1625 Garfield Avenue on 1/29/06, 02/11/06 and 2/19/06.

HECTOR TEJEDA AND ATTORNEY JOHN HEMMINGER, \$4,195.00 for bodily injury claim resulting from incident of 9/22/05 when claimant struck police officer's car at Jefferson Avenue and Ninth Street when officer failed to make a complete stop at a stop sign while attempting to catch up to another car without having his emergency equipment activated; \$805.00 was previously paid for the property damage.

HERBERT DRACHENBERG, \$2,660.05 in payment of claim of 3/14/06 when sanitary sewer was obstructed and caused property damage at 3520 50th Street.

SIEGWERK INK PACKAGING, \$1,861.56 for damage to claimant's semi trailer on 1/5/06 when City driver's was driving on Indianola Road a S.W. 7th street and door mirror struck claimant's rear side of semi trailer.

ANGIE TSCHIDA, \$65.03 in payment of wheel alignment of vehicle resulting from incident of 4/5/06 when police officer backed into claimant's vehicle at the Metro Star Building.

CENTRAL IOWA MONUMENT, \$1,200.00 to replace headstone that was damaged at the Glendale Cemetery crew on 1/20/06 when the headstone was hit during backfill of the grave.

TIFFANY HOOD, \$120.00 for cremation of claimant's dog resulting from incident of 4/4/06 when a MidAmerican meter reader left gate to fenced yard open at 2040 Lyon Street; claimant's dog escaped and was run over by City driver.

RON MOORE, \$60.23 in payment of claim of 3/28/06 when City crews were on Bell Avenue using asphalt and the asphalt got on claimant's truck; costs to clean.

MIDAMERICAN ENERGY COMPANY, \$1,726.57 in payment of claim of 3/10/06 when City driver struck utility pole at 4320 Woodland Avenue.

VALLEY VIEW VILLAGE, \$839.00 to replace chain link fence that police officer struck on 2/22/06 at 2571 Guthrie Avenue.

KIRBY TALLEY, \$300.00 for bodily injury claim of 3/20/06 when claimant fell in the 400 block of S.E. Fifth Street where the City had dredged the edge of the road to allow for drainage.

TMC AUTO BODY, \$246.44 for repair of claimant's vehicle resulting from incident of 4/5/06 when Park employee struck co-worker's personal vehicle with end loader in the Ewing Park parking lot.

BRIAN BENNETT, \$169.07 in payment of claim of 4/17/06 when Parks employee was mowing at the Public Works garage and mower threw rock into claimant's vehicle and broke the glass.

BARBARA AND MICHAEL STEVENSON and ATTORNEY TREVOR HOOK, \$2,000.00 for bodily injury claim of 9/6/04 when claimant cut her forehead on a loose end cap of a baseball field backstop at Pioneer Park.

TMC AUTO BODY, \$347.00 in payment of claim of 4/21/06 when television set fell from garbage toter into claimant's parked car.

EMBASSY SUITES ON THE RIVER, \$1,788.00 for property damage resulting from incident of 2/5/06 when police officer was in pursuit of suspect at East Walnut and East Second Streets and lost control of his vehicle and struck a fire hydrant, a wooden fence and a picnic table.

DES MOINES ROCK OF AGES MEMORIALS, \$154.00 for replacement vase that cemetery employee struck while mowing in the Glendale Cemetery on 4/20/06.

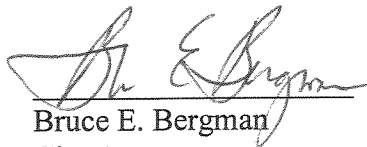
MIDAMERICAN ENERGY COMPANY, \$4,374.22 in payment of claim of 2/18/06 when police officer lost control at 35th Street and Iola Avenue and struck a utility pole.

ROSA MORROW, \$250.00 for lost property on 1/21/05 when claimant's vehicle was impounded from 2432 S.W. 9th Street by Des Moines Automotive; while impounded, property was stolen from the car and the City was responsible for any damages or stolen property.

DAN VAUGHAN, \$102.68 in payment of claim for plumber's call and clean up at 5905 S.W. Eighth Street resulting from obstructed sanitary sewer on 4/7/06.

CHRISTINE AND STEVE BLAINE, \$1,072.50 for property damage on 3/30/06 from obstructed sanitary sewer at 2422 Dean Avenue.

JAMES LOGAN, \$351.98 for property damage resulting from obstructed sanitary sewer on 4/25/06 at 3600 Belmar Drive.


Bruce E. Bergman
City Attorney