

★ Roll Call Number  
09-1077

Agenda Item Number  
16

Date June 22, 2009

WHEREAS, David Melling has a workers' compensation claim against the City arising out of a December 12, 2006 work injury; and

WHEREAS, Mr. Melling incurred these injuries within the course and scope of his employment; and

WHEREAS, Mr. Melling has been assigned an impairment rating of 13% to the body as a whole, which has been paid; and

WHEREAS, the Legal Department has negotiated a settlement of the industrial disability; and

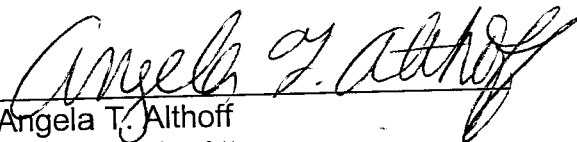
WHEREAS, it is the opinion of the Legal Department that the settlement of the lawsuit would be in the best interest of the City of Des Moines; NOW, THEREFORE,

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

That payment of \$15,555.54 to David Melling and his attorney, David Drake, Lawyer, Lawyer, Dutton & Drake, LLP, 1415 Grand Avenue, West Des Moines, IA 50265, 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 EN000 PWK071001.

FORM APPROVED:

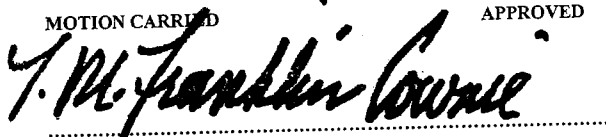
MOVED BY Vlassis TO ADOPT

  
Angela T. Althoff  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

  
Mavor

### 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.

  
City Clerk