

MID-IOWA NEWS

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Boone releases details of Pavelick settlement

By: Luke Jennett

The city of Boone agreed to pay the estate of a West Des Moines woman who drowned in the Des Moines River a sum of \$95,000 in return for being dismissed from a civil suit, according to documents obtained from the city.

The city also will work to modify the city-owned low-head dam that's used for Boone's Water Pumping and Treatment Facility and maintain signage around the area that warns of the dangers of the low-head dam.

The parents of Megan Pavelick, who died July 9, 2006, while inner-tubing on the Des Moines River, sued the city of Boone and Seven Oaks Recreation, claiming both were negligent in warning people about the dangers the dam represented. The case went to trial this month, but Boone was dropped as a defendant, Nov. 7 following the signing of the settlement.

The charges against Seven Oaks were dismissed after a jury found the company, which rented out inner-tubes for people to use on the river, was at fault in the accident but not a proximate cause in Pavelick's death.

In response to the settlement, the council passed a resolution to modify the dam. The resolution orders that the design of the dam be changed to minimize the danger presented to recreational users.

The design also will enhance the area for use by canoeing, rafting and fishing. The resolution stipulates that the city "shall proceed with the project immediately and attempt to complete the project in as short a time as possible based on the funding restrictions and the amounts of funding obtained from sources other than the city."

However, if the redesigned dam is not granted a permit by the Iowa Department of Natural Resources or the Army Corps of Engineers, or if the city can't find enough funding for the project, it is released from its obligation to modify the dam.

The resolution came before the Boone City Council Sept. 29 and was passed unanimously.

The terms of the city's settlement with the Pavelick family were sealed until the conclusion of the civil trial.

A portage near the low-head dam was built in 2006 following the incident that led to Pavelick's death. The 650-foot trail was intended to allow recreational users of the river to safely avoid the dam itself.

Pavelick, 22, drowned after entering the river in the wrong place and going over the dam. She and two friends had been inner-tubing along the river. Pavelick was caught in the powerful currents past the dam and dragged underwater. She was airlifted to Mercy Medical Center in Des Moines and was pronounced dead.

Pavelick's parents, Marc and Deborah Pavelick, brought their suit against the city and Seven Oaks Recreation, which rented her the inner-tube, on Aug. 27, 2007.

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