

g.  
aa.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0190	Claim	Claim Report
Kate Vandervort communication regarding vehicle damage allegedly sustained at or near S 65th St. and W. Mitchell St., on March 24, 2008.		
Introduced: 3/31/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 20 2008</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt				
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel				
			TOTAL	<u>4</u>			<u>1</u>

### SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin* \_\_\_\_\_  
 Chair Vice-Chair Member

### COMMON COUNCIL ACTION

*Denied*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 20 2008</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>			<u>1</u>



April 30, 2008

Common Council  
City of West Allis

OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

RE: City Attorney's Report of Claim

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05 (6)(a) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. Our Opinion regarding liability is as follows:

**It is the recommendation of this office that the following claim be denied:**

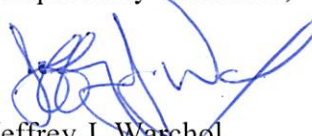
**Kate Vandervort - Amount: \$ 124.07**

This is a claim for damage to the claimant's vehicle on March 24<sup>th</sup>, 2008, when the claimant struck a pothole in the road while heading east on Mitchell Street near 64<sup>th</sup> Street in the City of West Allis. As a result of striking the pothole, the vehicle's front driver-side tire punctured requiring replacement of the same. The claimant purchased a new tire and filed a claim against the City on March 24<sup>th</sup>, 2008, in the amount of \$124.07.

Our investigation into this claim revealed that there might indeed have been a pothole in the road at the location described by the claimant. Due to the extreme weather conditions this past winter, there are numerous potholes on City streets throughout the City, which are repaired as the City becomes aware of them. Here, there is no indication that the City had knowledge of the pothole in question prior to it being struck by the claimant. Pursuant to state law, the City is only responsible for defects in the roadway when the City had knowledge of the defect prior to the incident and failed to repair the same within a reasonable amount of time. These situations are best handled by the claimant's insurance carrier for the vehicle.

Based upon the above, it is the recommendation of the City Attorney's Office to deny this claim pursuant to the provisions of Wisconsin Municipal Claims Statute 893.80.

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da

3/24/08

To Whom It May Concern:

At approximately 9:30AM today I was headed East on Mitchell St. Shortly after passing 64th Street my car hit a pothole after avoiding another pothole. In doing so my front drivers tire was popped. Enclosed are pictures of the pothole and street where this occurred, as you can see it is a large pothole. I was wondering if there is any compensation for the replacement of my tire as it didn't even have 4,000 miles on it. I have enclosed a copy of my invoice from the tire replacement also.

Thank you for your time and consideration.  
Please let me know if you have any questions or if anything can be done.

Sincerely -  
~~Kate Vandervort~~  
Kate Vandervort  
(414) 526-9680

7219 W. National Ave.  
West Allis, WI 53214

RECEIVED

MAR 24 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

**RICHLONN'S TIRE & SERVICE CENTER**

A DIV. OF RICHLONN'S INC., 4440 S. 108TH ST  
GREENFIELD, WI 53228  
(414) 425-7100  
FEDERAL TAX ID# 391035713

03/24/08 03/24/08  
11:19 AM 12:01 PM  
TERM: 5866  
NONSIG: 905866

**INVOICE**  
768239

PAGE: 01 COPY: 04

BILL TO: KATE VANDERVOORT  
7219 W NATIONAL  
WEST ALPIS, WI 53214

PHONE 1..... (414) 526-9680

DATE REQUESTED 03/24/08

TIME REQUESTED

RETURN PARTS.. NO

SALESMAN..... 060 / 075

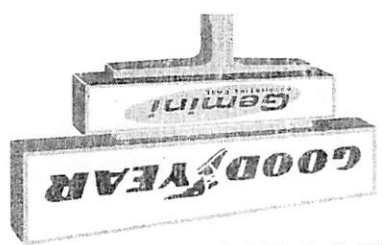
VEH YEAR/MAKE. 05 SATURN  
VEHICLE MODEL. ION 2  
VEHICLE COLOR. BLACK  
LICENSE/STATE. 826FDU / WI  
ODOMETER IN/OUT 44033 / 44033  
PRIOR INVOICE. NEW CUSTOMER

ACCOUNT # COB TC CUST# TYPE/STATE AUTHORIZATION CREDIT CARD NO.  
586600051 M 01 05791 0 WI 00511Z HDC 7027

SLSM	TECH	PRODUCT CODE	BC	QTY	DESCRIPTION	PARTS	LBR/EXCISE	LINE TOTAL
060		706-123-034-0	R	1	215/55R16 93H S2 EAGLE LS BDXRPTL	89.99	.00	89.99
					QTY. 1 NO. MKB3BMHR2804			
060	077	040-204	R	1	TIRE DISPOSAL CHARGE	2.50	.00	2.50
060	077	041-263	R	1	NEW VALVE STEM	3.00	.00	3.00
060	077	044-275	R	1	WHEEL BALANCE - AUTO - LIFETIME	3.25	8.75	12.00
060	075	093-162	R	1	WHEN WAS YOUR ALIGNMENT CHECKED LAST??	.00	.00	.00
060	075	093-702	R	1	RICHLONN'S ROAD HAZARD MAINTENANCE PLAN	.00	9.00	9.00
					+ INCLUDES FREE FLAT REPAIRS FOR THE LIFE OF THE TIRE			
					+ INCLUDES PROATED REPLACEMENT IF TIRE IS NOT REPAIRABLE.			
					+ SEE RICHLONN'S MAINTENANCE PLAN REGISTRATION CARD FOR COMPLETE DETAILS			
060	075	093-802	R	1	SHOP SUPPLIES/ENVIRONMENTAL DISPOSAL FEES	1.00	.00	1.00
060	077	047-200	R	1	NEW ON DRIVERS FRONT	.00	.00	.00

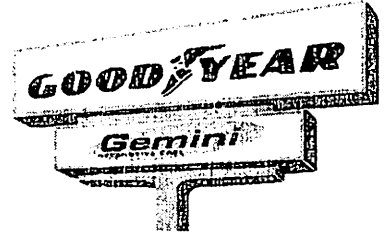
CONTINUED NEXT PAGE

HAVE A QUESTION OR PROBLEM?  
Please tell our store manager. We value your opinion as much as your  
business. Should you need additional assistance, call our  
CUSTOMER ASSISTANCE LINE 1-800-321-2136



# RICHLONN'S TIRE & SERVICE CENTER

A DIV. OF RICHLONN'S INC., 4440 S. 108TH ST  
 GREENFIELD, WI 53228  
 (414) 425-7100  
 FEDERAL TAX ID# 391035713



**INVOICE**  
**168239**

03/24/08 03/24/08  
 11:19 AM 12:01 PM  
 TERR: 5866  
 NONSIG: 905866

PAGE: 02 COPY: 04

<u>SLSM</u> <u>TECH</u>	<u>PRODUCT CODE</u>	<u>BC</u> <u>QTY</u>	<u>DESCRIPTION</u>	<u>PARTS</u> <u>LBR/EXCISE</u>	<u>LINE TOTAL</u>
-------------------------	---------------------	----------------------	--------------------	--------------------------------	-------------------

IF YOU ARE NOT 100% SATISFIED CALL STORE MANAGER STEVE JAMBOR AT 425-7100  
 RETURNED WHEEL LOCK KEY? -- [YES] -- [NONE] -- [N/A]

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132. WIS. ADM CODE. ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.  
 TECHNICIAN(S) / SUBCONTRACTOR(S) \_\_\_\_\_

PARTS TOTAL.....	99.74
LABOR TOTAL.....	17.75
SUB TOTAL.....	117.49
SALES TAX.....	6.58

CHARGED AMOUNT 124.07  
 TAXABLE AMOUNT 117.49

\_\_\_\_\_  
 CUSTOMER AUTHORIZATION FOR TOTAL

**INVOICE TOTAL \$124.07**

AUTHORIZED BY: KATE  
 AUTH PHONE.....  
 REVISED TOTAL 117.49

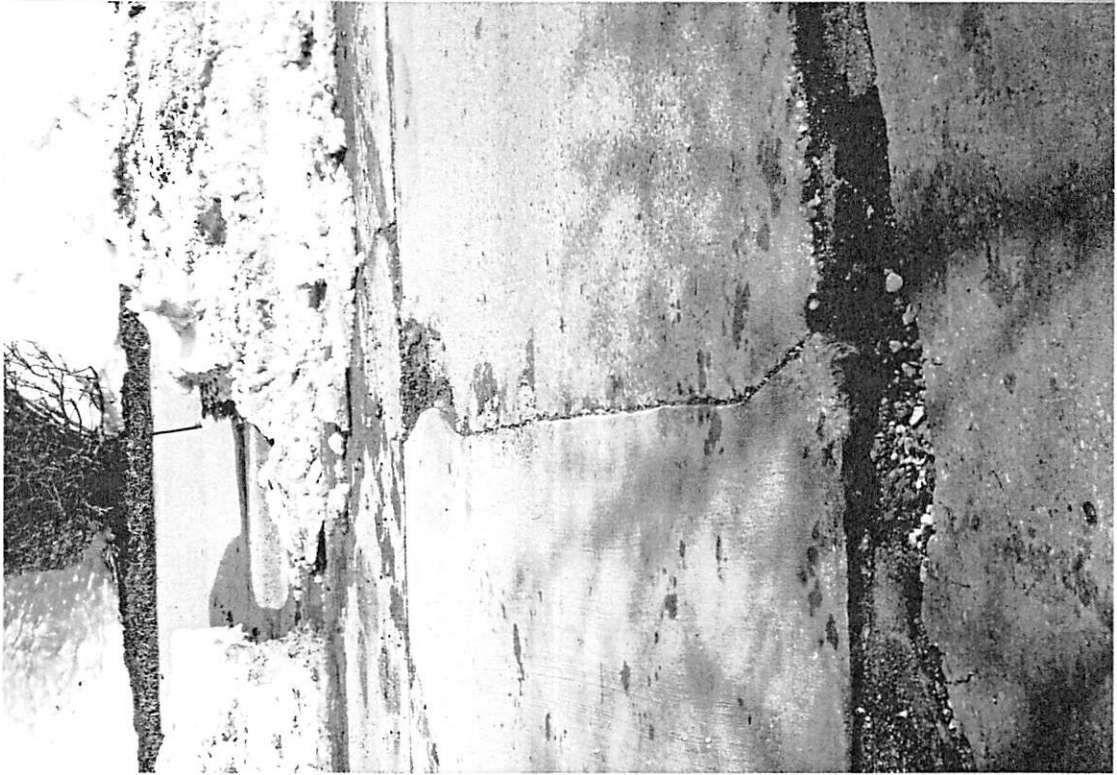
AUTH REC'D BY: BRETT R  
 AUTH DATE.....  
 ADD'L AMOUNT 117.49

MANNER REC'D.. PERSON  
 AUTH TIME.....  
 REPAIRS DESC..

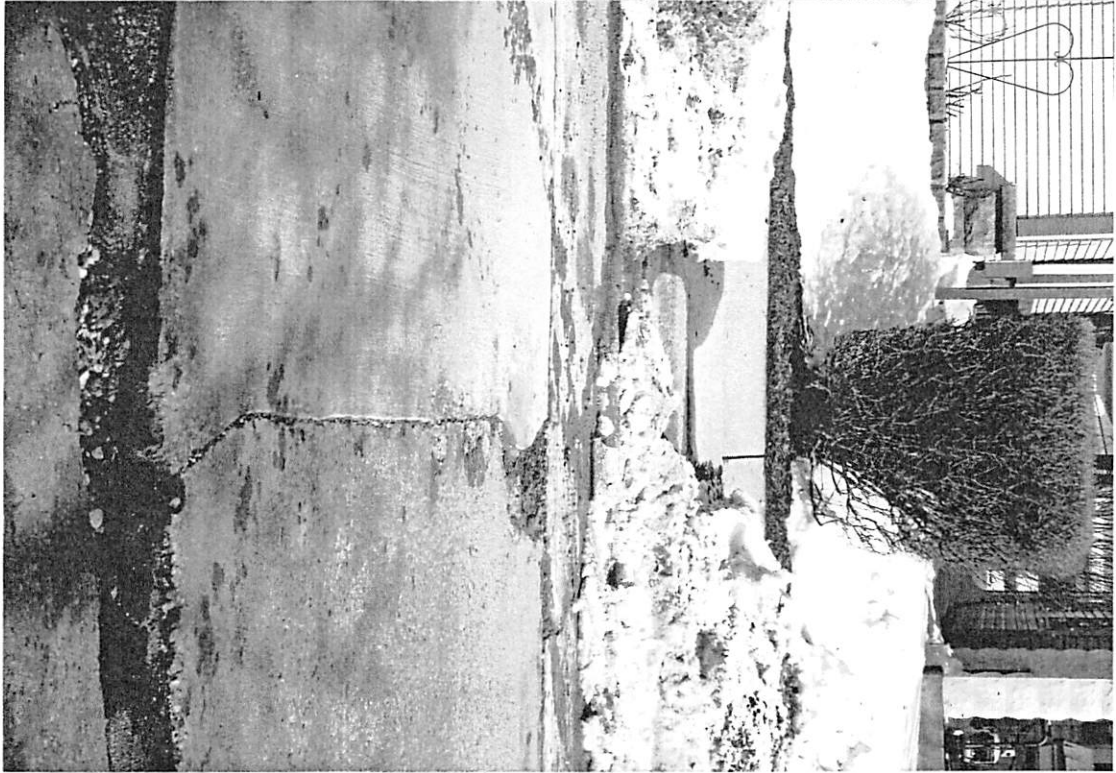
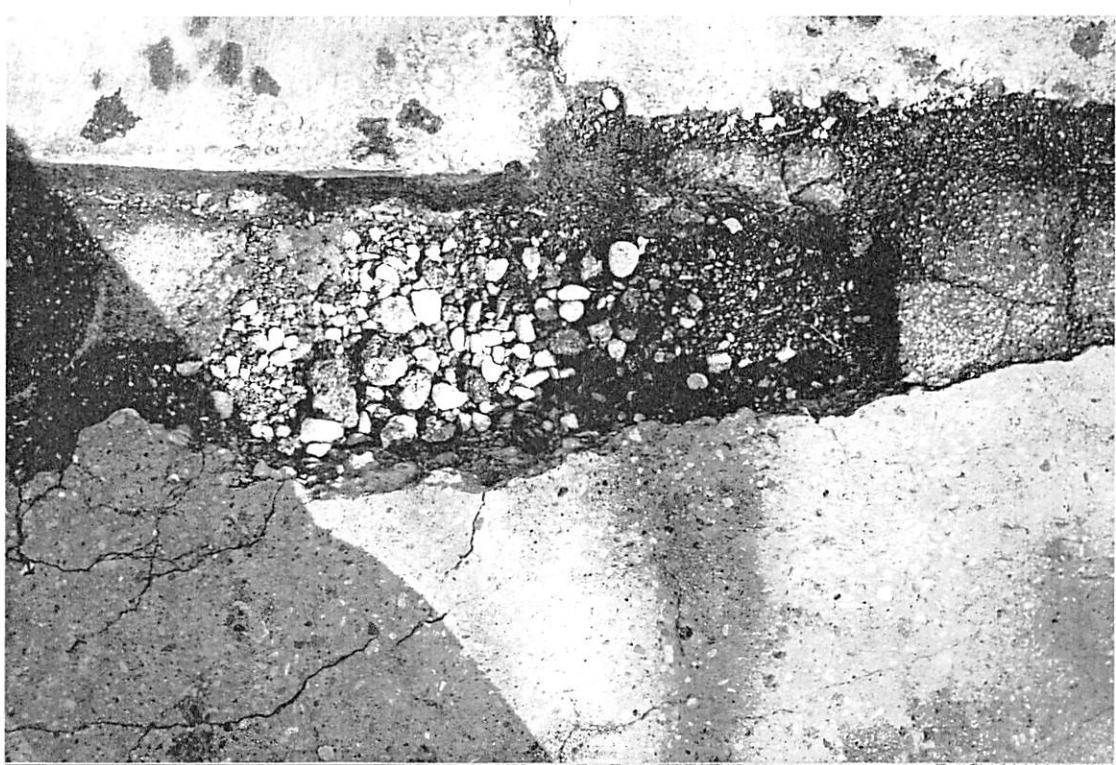
TREAD L/F..... 8/32	TREAD R/F..... 8/32	TREAD R/R..... 8/32	TREAD L/R..... 8/32
---------------------	---------------------	---------------------	---------------------

**SEE REVERSE SIDE FOR IMPORTANT SAFETY WARNING AND WARRANTY INFORMATION**

**HAVE A QUESTION OR PROBLEM?**  
 Please tell our store manager. We value your opinion as much as your business. Should you need additional assistance, call our  
**CUSTOMER ASSISTANCE LINE 1-800-321-2136**

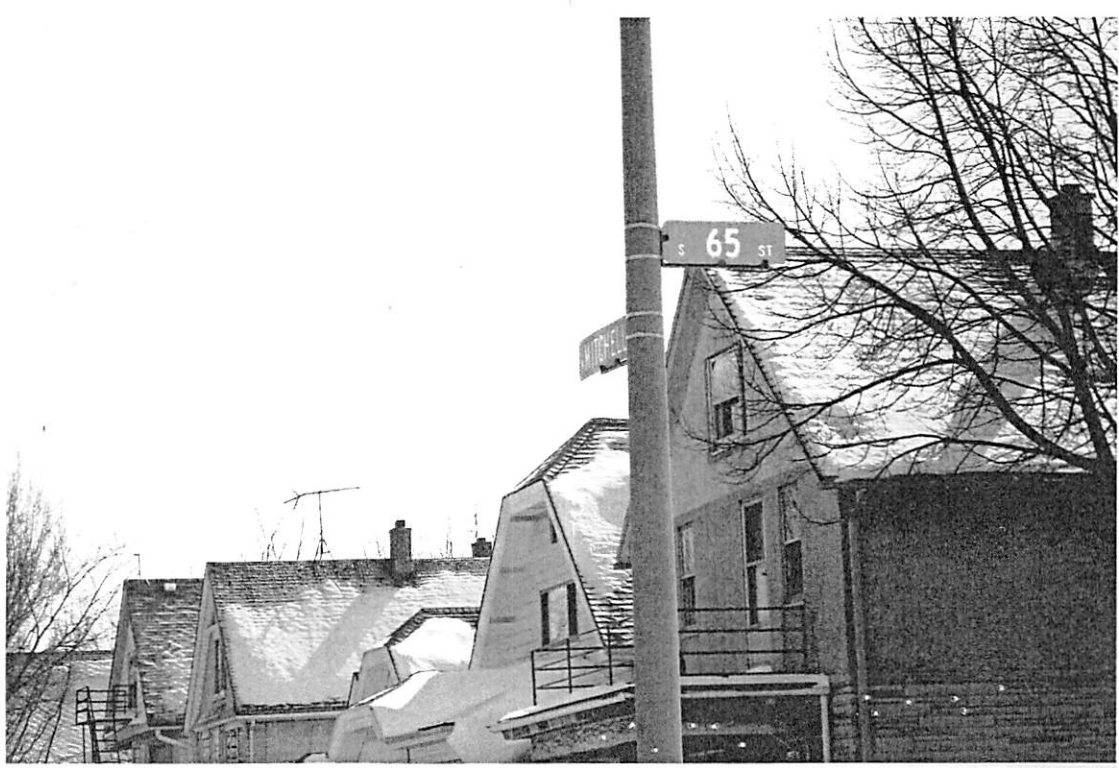














CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
Paul M. Ziehler  
*City Admin. Officer, Clerk/Treasurer*  
Monica Schultz  
*Assistant City Clerk*  
Rosemary West  
*Treasurer's Office Supervisor*

March 25, 2008

Kate Vandervort  
7219 W. National Ave.  
West Allis, WI 53214

Dear Ms. Vandervort:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at or near S. 65th St. and W. Mitchell St. on March 24, 2008.

The original document will be submitted to the Common Council at its meeting of March 31, 2008.

**It is not anticipated that a decision regarding this matter will be made on this date. Generally, all communications are directed to the City Attorney's office for investigation. Common Council action regarding your communication will not be taken until the City Attorney's investigation is completed. Any questions you may have regarding this matter should be directed to their attention.**

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

cc: City Attorney



**City of West Allis**  
**Referral Notice**  
**Common Council**

7525 W. Greenfield Ave.  
West Allis, WI 53214

---

**To:** City Attorney  
**From:** Common Council  
**Date:** Monday, March 31, 2008

The following items are being referred to you for your review and response. Special instructions may follow each item. Please contact the City Clerk if you cannot respond by the due date listed.

---

**2008-0190** Kate Vandervort communication regarding vehicle damage allegedly sustained at or near S. 65th St. and W. Mitchell St., on March 24, 2008.

**Due Date:**  
**Instructions:**

---

If there are any questions concerning this notice, please direct them to the CITY CLERK.



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

May 13, 2008

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

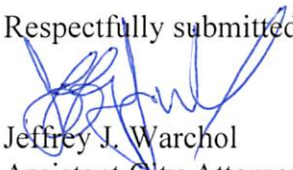
Dear Council Members:

The enclosed claims/lawsuits have been referred to this office in accordance with Section 3.05 (6)(a) of the Revised Municipal Code. This office has examined the facts of each claim/lawsuit and the applicable law. Our Opinion regarding liability is attached to each claim/lawsuit.

**It is the recommendation of this office that the following claims/lawsuits be denied:**

Kate Vandervort (\$124.07)  
Stephanie Caballero (\$322.77)

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC



CITY ADMINISTRATIVE OFFICE

**PAUL M. ZIEHLER**  
City Administrative Officer  
Clerk/Treasurer

414/302-8294  
414/302-8207 (Fax)

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

pziehler@ci.west-allis.wi.us  
www.ci.west-allis.wi.us

**NOTICE OF DISALLOWANCE OF CLAIM**

May 21, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Kate Vandervort  
7219 West National Avenue  
West Allis, WI 53214

Re: Your Claim Against the City of West Allis

Dear Ms. Vandervort:

At its meeting on May 20<sup>th</sup>, 2008, the Common Council of the City of West Allis considered your claim received on March 25<sup>th</sup>, 2008, regarding vehicle damage allegedly sustained at or near South 65<sup>th</sup> Street and West Mitchell Street and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of West Allis or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

Sincerely,

Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

PMZ:da  
L:\jeff\claims\denialLtrs\ltr-denial-K Vandervort

cc: City Attorney's Office  
City Clerk's Office ✓