

31



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2006-0116	Claim	Claim Report
Suzanne Meyer communication regarding vehicle damage allegedly sustained on S 87 St. and W. Orchard St. on February 16, 2006.		
Introduced: 3/7/2006		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION *POF*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 04 2006</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 type="checkbox"/>	<input type="checkbox"/>	Dobrowski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>	<u>-</u>		

SIGNATURE OF COMMITTEE MEMBER

[Signature] _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE APPROVAL**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 04 2006</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 type="checkbox"/>	<input type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
	<input 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 checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>-</u>		

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



CITY OF WEST ALLIS

WISCONSIN

OFFICE OF THE CITY ATTORNEY



City Attorney
Scott E. Post

Assistant City Attorneys
Sheryl L. Kuhary
Jeffrey J. Warchol
Cheryl L. Wentland

March 21, 2006

Common Council
City of West Allis

Re: City Attorney's Report of Claim/Lawsuit

Dear Council Members:

The attached claim/lawsuit 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 as follows:

It is the recommendation of this office that the following claim/lawsuit be placed on file:

(Suzanne Meyer, Amount: \$265.18)

This is a claim for property damage to the claimant's 2004 Chevrolet automobile when a City employee operating a snowplow on February 16th, 2006, struck the vehicle, which was legally parked and unoccupied causing damage to the driver's side mirror at South 87th and West Orchard Street in the City of West Allis. The claimant obtained two estimates for repairs and filed a claim against the City on March 7th, 2006.

Our investigation into this matter indicated that the City employee was at fault for the accident. The estimates submitted by the claimant were reasonable and from qualified auto repair facilities. Pursuant to settlement guidelines, the City Attorney's Office paid the claim in the amount stated above and obtained a Property Damage Only Release from the claimant.

Based on the above, this claim should be placed on file.

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

PROPERTY DAMAGE ONLY RELEASE

KNOW ALL MEN BY THESE PRESENTS that SUZANNE MEYER, for and in consideration of Two Hundred Sixty-five and 18/100 Dollars (\$265.18) the receipt whereof is hereby acknowledged, do hereby forever release, acquit and discharge the City of West Allis, Wisconsin, a municipal corporation, its departments, commissions, officials, agents and employees, his, her, its or their successors and assigns and all others directly or indirectly liable, from any and all claims and demands, actions and causes of action, damages, both known and unknown, including future developments thereof, costs, loss of service and compensation on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from that certain accident on or about February 16th, 2006, when a City employee, while operating a City snow plow, struck and broke the mirror on the driver's side of the vehicle owned by Ms. Meyer while legally parked on South 87th and West Orchard Street in the City of West Allis, Wisconsin.

I/We agree that this settlement is in full compromise of a doubtful and disputed claim both as to the question of liability and damages and that the payment is not to be construed as an admission of liability.

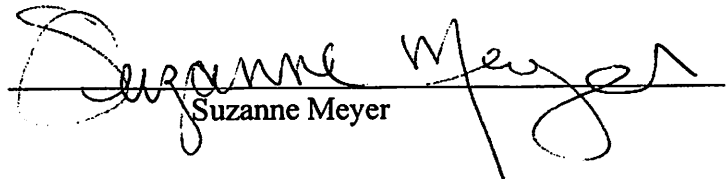
I/We agree that this is a complete release of property damage only and it is understood and agreed that it doesn't constitute a release for any bodily injury resultant from this accident as there were no bodily injuries as a result of this accident.

I/We further agree that this release and payment pursuant thereto is not to be construed as a waiver by or an estoppel of any party released to prosecute a claim or action against the undersigned for any damages sustained.

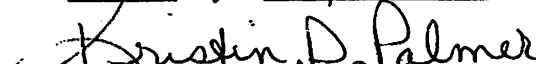
This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

**I/WE HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.
I/WE FURTHER UNDERSTAND THAT I/WE HAVE THE OPPORTUNITY TO
DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST
ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.**

Signed and sealed this 17th day of March, 2006.


Suzanne Meyer

Subscribed and sworn to before me
this 17th day of March, 2006.


(Kristin D. Palmer)
Notary Public, State of Wisconsin
My Commission Expires: 2/24/08



CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

March 2, 2006

Suzanne Meyer
8704 W. Mitchell St.
West Allis, WI 53214

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

ROSEMARY WEST
*Treasurer's Office Supervisor
Senior Accountant*

MONICA SCHULTZ
Assistant City Clerk

Dear Ms. Meyer:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained on S. 87 St. and W. Orchard St. on February 16, 2006.

The original document will be submitted to the Common Council at its meeting of March 7, 2006.

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

/dlm

cc: City Attorney

MAYFAIR RENT-A-CAR

• BETTER CARS • LOW RATES • UNLIMITED MILES

Suzanne Meyer

8704 W. Mitchell St

West Allis 53214

H - 414-479-0309

W - 262-957-5130

RECEIVED

MAR 01 2006

CITY OF WEST ALLIS
CLEARING DEPARTMENT

My 2004 Chevy Aveo was
Parked on 87th + Orchard
Street on 2-16-06 approx
8:35 AM when a city snow
plow hit the Drivers side
mirror AND Broke it.

Police Report is on file

I have enclosed 2 repair
estimates.

Please advise Payment for Repairs.
over

FRANKLIN	6319 S. 108th St. (Hwy 100)	414-425-0300
HARTFORD	5788 Hwy 60 East	262-673-9400
MILW-AIRPORT	4747 S. Howell Ave.	414-489-6600
MILW-BROWN DEER	6841 W. Brown Deer Rd.	414-354-8600
OCONOMOWOC	36833 E. Wisconsin Ave. (Hwy 16)	262-569-4390
RACINE	7033 Washington Ave. (Hwy 20)	262-884-0550
RACINE-BATTEN FIELD	3239 N. Green Bay Rd.	262-632-3325
WAUKESHA	1720 Paramount Dr. (Hwy 18)	262-513-3330
WAUWATOSA	1750 N. Mayfair Rd. (Hwy 100)	414-258-4441

www.mayfairrentacar.com

Thank you.

Suzanne Meyer

CONCOURS AUTO WORKS, LTD.
 9508 WEST NATIONAL AVENUE
 WEST ALLIS, WI 53227
 OFFICE: (414) 321-4200

CD LOG NO 3984-1 DATE 02/18/06

SHOP: CONCOURS AUTO WORKS, LTD.
 ADDRESS: 9508 WEST NATIONAL AVENUE
 CITY STATE: WEST ALLIS, WI
 ZIP: 53227-

INSP DATE: 02/18/06
 CONTACT: EMIL BELICH
 PHONE 1: (414) 321-4200
 FAX: (414) 321-4106

OWNER: MEYER, SUZANNE
 ADDRESS: 8704 W MITCHELL
 CITY STATE: WEST ALLIS, WI
 ZIP: 53214

HOME PHONE: (414) 479-0309
 WORK PHONE: (262) 957-5130

POINT OF IMPACT: 6

LIC#: STATE: VIN:
 BODY COLOR: MILEAGE:
 CONDITION: ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

2004 CHEVROLET AVEO STD 4DOOR HATCHBACK 4CYL GASOLINE 1.6
 CODE: U1764B/A OPTNS A/24AH

OPTIONS:
 TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
 BUMPER COVER MOUNTED FOG LAMPS AIR CONDITIONING

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
E	0229		MIRROR, OUTER R/C	LT 96394980 GM PART	115.52			0.4	1
L	0229	13	MIRROR, OUTER R/C	LT REFINISH				1.4	4

2 ITEMS

MC MESSAGE(S)
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS	115.52
PAINT MATERIAL	42.00

08.01

08.02

08.03

08.04

08.05

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2004 CHEVROLET AVEO STD 4DOOR HATCHBACK
CD LOG NO 3984-1

PARTS & MATERIAL TOTAL				157.52	
TAX ON PARTS & MATERIAL @			5.600%	8.82	
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	52.00	0.4		20.80	
2-MECH/ELEC	80.00				
3-FRAME	62.00				
4-REFINISH	52.00	1.4		72.80	
5-PAINT MATERIAL	30.00			93.60	
LABOR TOTAL			@	5.600%	5.24
TAX ON LABOR					
SUBLET REPAIRS					
TOWING					
STORAGE					

GROSS TOTAL 265.18

NET TOTAL 265.18

ADP SHOPLINK U1095 ES CD LOG 3984-1 DATE 02/18/06 11:59:42AM R6.37 CD 01/06
HOST LOG
(C) 1998 - 2005 ADP CLAIMS SOLUTIONS GROUP, INC.

0.7 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED.
THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED WITHOUT
YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I REQUEST AN ESTIMATE IN WRITING BEFORE YOU BEGIN REPAIRS.

2. PLEASE PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING IF THE PRICE
WILL EXCEED \$ _____.

3. I DO NOT WANT AN ESTIMATE.

WEST ALLIS AUTO BODY
 8808 W. NATIONAL AVE.
 WEST ALLIS, WISC 53227
 PHONE: 414-327-4140 FAX: 414-327-0033

CD LOG NO 1526-1 DATE 02/21/06

SHOP:
 CITY STATE: , WI

INSP DATE: 02/21/06
 CONTACT: GLENN

OWNER: MEYER, SUZY
 ADDRESS: 8704 W MITCHELL
 CITY STATE: WEST ALLIS, WI
 ZIP: 53214

LOSS DATE: 02/21/06
 POINT OF IMPACT: 6

TYPE OF LOSS: OTHER/

DAYS TO REPAIR: 1

LIC#:
 BODY COLOR: WHITE
 CONDITION:

STATE:

VIN: KL1TD62614B219072
 MILEAGE:
 ACCTNG CTL#:

*=USER-ENTERED VALUE
 EC=REPLACE ECONOMY
 UM=REMAN/REBUILT PRT
 OE=REPLACE PXN OE SRPLS
 TE=PARTL REPL PRICE
 I=REPAIR
 TT=TWO-TONE
 N=ADDITIONAL LABOR
 AA=APPEAR ALLOWANCE

E=REPLACE OEM
 UE=REPLACE OE SURPLUS
 EU=REPLACE SALVAGE
 PC=PXN RECONDITIONED
 ET=PARTL REPL LABOR
 L=REFINISH
 CG=CHIPGUARD
 RI=R&I ASSEMBLY
 RP=RELATED PRIOR

NG=REPLACE NAGS
 UC=RECONDITIONED PRT
 EP=REPLACE PXN
 PM=PXN REMAN/REBUILT
 IT=PARTIAL REPAIR
 BR=BLEND REFINISH
 SB=SUBLET
 P=CHECK
 UP=UNRELATED PRIOR

2004 CHEVROLET AVEO SPECIAL VALUE 4DOOR HATCHBACK 4CYL GASOLINE 1.6
 CODE: U1764A/A OPTNS A/24A

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 BUMPER COVER MOUNTED FOG LAMPS

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0229		MIRROR, OUTER R/C	LT 96394980 GM PART	115.52			0.4	1
L	0229	13	MIRROR, OUTER R/C	LT REFINISH				1.4	4
L	M66		COLOR, SAND & BUFF	REFINISH				1.0	4*

3 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

000000
000000
S-ARCHIVED 000000
I-SHOW WELLY 000000
000000

0.8
SAM STASER
05.01

000000 000000 000000
000000 000000 000000
000000 000000 000000

2004 CHEVROLET AVEO SPECIAL VALUE 4DOOR HATCHBACK
CD LOG NO 1526-1

GROSS PARTS				115.52
PAINT MATERIAL				67.20
PARTS & MATERIAL TOTAL				182.72
TAX ON PARTS & MATERIAL @			5.600%	10.23
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	48.00	0.4		19.20
2-MECH/ELEC	65.00			
3-FRAME	50.00			
4-REFINISH	48.00	2.4		115.20
5-PAINT MATERIAL	28.00			
LABOR TOTAL				134.40
TAX ON LABOR		@	5.600%	7.53
SUBLET REPAIRS				
TOWING				
STORAGE				
GROSS TOTAL				334.88
NET TOTAL				334.88

ADP SHOPLINK U5370 ES CD LOG 1526-1 DATE 02/21/06 07:37:46AM R6.37 CD 01/06
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53227
HOST LOG
(C) 1998 - 2005 ADP CLAIMS SOLUTIONS GROUP, INC.

0.7 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

-
1. ALL PARTS PRICES SUBJECT TO CHANGE.
 2. ALL WORK GUARANTEED FOR ONE YEAR FROM THE DATE OF COMPLETED REPAIRS
 3. PAYMENT IF FULL (INCLUDING DEDUCTIBLE) IS REQUIRED BEFORE THE VEHICLE WILL BE RELEASED.
 4. IF INSURANCE COMPANY ESTIMATES YOUR VEHICLE, WE HAVE TO FOLLOW INSURANCE CO. ESTIMATE, HIGHER OR LOWER. OUR ESTIMATE BECOMES NULL & VOID.
 5. PLEASE PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING, IF THE PRICE WILL EXCEED THIS ESTIMATE. I HAVE READ AND UNDERSTAND THE ABOVE STATEMENTS, AND I AUTHORIZE REPAIRS TO MY VEHICLE.

*
*

NAME: _____ DATE: _____





CITY OF WEST ALLIS

WISCONSIN

OFFICE OF THE CITY ATTORNEY



City Attorney
Scott E. Post

Assistant City Attorneys
Sheryl L. Kuhary
Jeffrey J. Warchol
Cheryl L. Wentland

March 28, 2006

Common Council
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

The enclosed claim/lawsuit 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.

The following claims/lawsuits have been placed on file:

Suzanne Meyer (Amount: \$265.18)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC