

26



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0471	Claim	Claim Report
Terrence and Jane Donaldson communication regarding property damage allegedly sustained on June 7, 2008 at 2534 S. 78 Street.		
Introduced: 7/1/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 05 2008			Barczak				
			Czaplewski				
			Kopplin				✓
		✓	Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
TOTAL				4	-		1

### SIGNATURE OF COMMITTEE MEMBER

Chair \_\_\_\_\_ Vice-Chair *Linda Stikela* Member \_\_\_\_\_

### COMMON COUNCIL ACTION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 05 2008			Barczak				✓
			Czaplewski	✓			
			Kopplin				✓
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
		✓		Vitale	✓		
				Weigel	✓		
TOTAL				8	-		2



July 28, 2008

OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

Common Council  
City of West Allis

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:**

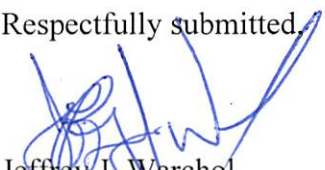
**Terrence and Jane Donaldson - Amount: \$1,000.00**

This is a claim for property damage and restoration services to the claimant's basement/rec room at 2534 South 78<sup>th</sup> Street, West Allis, WI on or about June 8<sup>th</sup>, 2008, when the claimant's basement flooded from an alleged sewer backup. The claimants did have homeowner's insurance to cover the restoration but are requesting the amount of \$1,000.00 from the City to cover their deductible due to the sewer backup. A claim was filed against the City in this matter on June 23<sup>rd</sup>, 2008.

Our investigation into this claim revealed that the interceptor sewer maintained by MMSD became overloaded on the day in question from the unusual amount of rain in the area. This overloading prevented the interceptor sewer from properly discharging, which in turn, caused the City's system to become overloaded resulting in flooding in many areas throughout the City. The investigation further indicated that sewer systems are simply not designed to handle the extreme amount of water flow that occurred in this area from the rains in June of 2008. Although the rains have caused a great deal of stress and flooding for many people in the area, no negligence can be attributed to the City for this true act of God.

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

Terrence and Jane Donaldson  
2534 S. 78<sup>th</sup> Street  
West Allis, WI 53219

West Allis City Hall  
7525 W. Greenfield Avenue  
West Allis, WI 53214

June 19, 2008

To Whom It May Concern:

Re: water damage

I have enclosed pictures of the damage to our basement carpeting due to flooding on June 7, 2008. The water came up from our basement drain and spread into our furnished, carpeted family room. Unfortunately, our home owners insurance has a deductible of \$1,000, so I am writing to respectfully ask if there is anything that the City of West Allis will cover, since the damage happened due to the backup of our sewer drain. We have already obtained a quote from the carpet store to replace the same carpeting that we put in just 3 years ago, and I have attached that as well. I know that many other homes in our area sustained damage as well, and it might be due to living directly across from McCarty Park. Can you please respond to our request and let us know if there is any way that we can reimburse for the amount of our deductible? Thank you for your consideration.

Sincerely,



Jane M. Donaldson

RECEIVED  
JUN 23 2008  
CITY OF WEST ALLIS  
CLERK/TREASURER



We Do It All...carpet, ceramic, wood, laminate, vinyl, area rugs and more!

1451 S. 108th Street, West Allis, WI 53214

(414)453-7070

**QUOTE**

ORDER: 91009317 Karen Burt  
 PAGE: 1  
 DATE: 6/10/2008  
 LOC: West Allis

**B** Terry & Jane Donaldson  
**I** 2534 S. 78th St.  
**L** West Allis, WI 53219  
**T** (414) 744-8488 Fax: (414)764-7677  
**O**

**S** Terry & Jane Donaldson  
**H** 2534 S. 78th St.  
**I**  
**P** West Allis, WI 53219  
**T**  
**O**

Customer	Salesperson	Customer P.O.	Ship Via	Date Wanted	F.O.B.	Order	
4147448488	KarenB			6/10/2008 U	(None)	91009317	
Order	B/O	Ship	U/M	Item Number / Description	Unit Price	U/M	Total Price
453.00		SF		49814, 843 37' 8" by 12' 0"	\$2.64	SF	\$1,195.02
453.00		SF		Triple Touch - Premium Touch, 7/16" 8lb 75' 8" by 6' 0"	\$0.85	SF	\$385.05
453.00		SF		Tackless Concrete <i>Carpet to be installed in basement rec room. Nothing to move or remove.</i>	\$0.55	SF	\$249.15
				Service Charge			\$25.00
<b>Order Sub-Total:</b>							\$1,855.12
<b>Quote Amount:</b>							\$1,855.12

All orders are subject to measure and adjustment. No returns are accepted on hardsurface items. A 30% restock fee applies to all special ordered product that is cancelled. Please call to schedule your pickup of material in advance.

I have read, understand and agree to abide by the warranties, policies, terms and conditions on the reverse side of this sales order.

Seller \_\_\_\_\_ Buyer \_\_\_\_\_ (Title)

OFFICE COPY

Buyer \_\_\_\_\_ (Title)

\*\*\* QUOTE EXPIRES: 7/10/2008 \*\*\*

(Title)



**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. Ziehl**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

June 24, 2008

Terrence and Jane Donaldson  
2534 S. 78 Street  
West Allis, WI 53219

Dear Mr. and Ms. Donaldson:

This letter acknowledges receipt of your communication regarding property damage allegedly sustained on June 7, 2008 at 2534 South 78 Street.

The original document will be submitted to the Common Council at its meeting of July 1, 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

/jml

cc: City Attorney



**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. Ziebler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

June 24, 2008

Terrence and Jane Donaldson  
2534 S. 78 Street  
West Allis, WI 53219

Dear Mr. and Ms. Donaldson:

This letter acknowledges receipt of your communication regarding property damage allegedly sustained on June 7, 2008 at 2534 South 78 Street.

The original document will be submitted to the Common Council at its meeting of July 1, 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

/jml

cc: City Attorney













OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

July 28, 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.

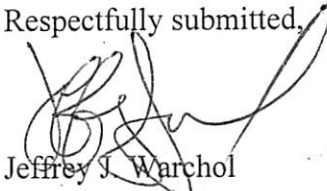
**The following claim/lawsuit has been placed on file:**

Carla and Kristine Granneman (\$1,525.00)

**The following claims/lawsuits have been denied:**

Colleen Devereey (\$10,748.21)  
John Gardner (\$5,571.60)  
Terrence and Jane Donaldson (\$1,000.00)

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC



7525 West Greenfield Avenue  
West Allis, Wisconsin 53214-4688



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

August 6, 2008

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

Terrence and Jane Donaldson  
2534 South 78<sup>th</sup> Street  
West Allis, WI 53219

Re: Your Claim Against the City of West Allis  
Date of Loss: 6/7/08

Dear Mr. and Mrs. Donaldson:

At its meeting on August 5<sup>th</sup>, 2008, the Common Council of the City of West Allis considered your claim received on June 24<sup>th</sup>, 2008, regarding property damage allegedly sustained at 2534 South 78<sup>th</sup> Street, West Allis, Wisconsin 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-T Donaldson

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