

28.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0059	Claim	Claim Report
Jennifer Grieve communication regarding vehicle damage allegedly sustained at approximately South 70 Street and I-94 on January 3, 2009.		
Introduced: 1/20/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 17 2009			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
		X	Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
		Weigel					
		TOTAL		5			

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 17 2009			Barczak	✓			
			Czaplewski	✓			
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10			



February 2, 2009

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 (8) 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:

Jennifer Grieve - Amount: \$638.88

This is a claim for property damage to the claimant's vehicle on January 3rd, 2009, when the claimant struck a pothole in the road while heading northbound on South 70th Street just before the stoplights at the ramp to I-94. The claimant obtained an estimate for repairs and filed a claim against the City of West Allis on January 14th, 2009.

Our investigation of this claim indicated that the incident did not take place within the legal boundary limits of the City of West Allis. As such, a letter was sent to the claimant advising of the jurisdictional issue so that the claimant had ample time to re-file her claim with the appropriate entity should she so desire.

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



BMS

12 757 106



RECEIVED

JAN 14 2009

CITY OF WEST ALLIS
CLERK/TREASURER

January 12, 2009

Dear Sir or Madam;

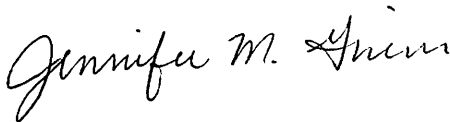
This is regarding an incident that happened on January 3rd, 2009. I was driving my vehicle northbound on 70th Street, when my front right tire hit a huge pothole, just before the stoplights at the ramp to I-94. There was oncoming traffic coming southbound and other cars in the lane next to me, so I had nowhere to go to avoid the pothole. The pothole was so large that it immediately punctured my tire and damaged the wheel rim itself. The repair was very costly and required a new tire and wheel rim.

The city was undoubtedly on notice that this particular pothole existed, and I imagine that there were others who had trouble with it as well. Since it was a weekend, I called the non-emergency line to the West Allis Police Department to report the incident. An officer directed me to contact City Hall on the next business day, and the Clerk's Office suggested that I write this letter to request reimbursement. The next week, the pothole was filled in. I am glad that no one else will have costly repairs to their car because of lax street maintenance.

I am attaching pictures of the aforementioned tire and wheel rim as well as the bill from the repair shop detailing the amount of repair incurred by the damage from the pothole. Citizens should be able to travel the streets safely without having to worry if hundreds of dollars of damage will be inflicted upon them by unsafe road conditions.

I request that the City of West Allis reimburse me for the damages incurred by the pothole. The total damages are \$638.88.

Sincerely,



Jennifer Grieve
1333 S. 63rd Street
West Allis, WI 53214

(3) Attachments



METROPOLITAN MOTORS INC.

10221 W. Arthur Ave. • P.O. Box 27384
West Allis, Wisconsin 53227
(414) 327-1400
Fax (414) 546-5492
www.metropolitancadillacsaab.com



CUSTOMER NO. 37843	ADVISOR JEFFREY MAIN	31101	TAG NO. .131	INVOICE DATE 01/09/09	INVOICE NO. SACS218811
BONNIE JO M GRIEVE W262 N2442 DEER HAVEN DR PEWAUKEE, WI 53072	LABOR RATE 95.00	LICENSE NO. 111 MHA	MILEAGE 18,446	COLOR GRAY/GRANIT	STOCK NO. 3743
	YEAR / MAKE / MODEL 07/SAAB/9-5 SERIES/9-5 2.3T SEDAN			DELIVERY DATE 12/28/07	DELIVERY MILES 387
	VEHICLE I.D. NO. Y S 3 E D 4 9 G 2 7 3 5 2 3 2 1 6			SELLING DEALER NO.	PRODUCTION DATE
	F.T.E. NO.		P.O. NO.		P.O. DATE 01/08/09
RESIDENCE PHONE 414-510-0603	BUSINESS PHONE	COMMENTS			

LABOR & PARTS		WHEEL AND TIRE WORK HOURS: 25.00		TECH(S): 27391
J# 1	20SAZ	PASS FRONT WHEEL BENT, TIRE DAMAGED. INSTALLED NEW LOW PROFILE TIRE AND RIM		
PARTS	QTY	FP-NUMBER	DESCRIPTION	UNIT PRICE
JOB # 1	1	12-757-104	WHEEL	320.00
JOB # 1	1	19-143-445	P2354517	252.00
JOB # 1 TOTAL PARTS				572.00
JOB # 1 TOTAL LABOR & PARTS				597.00
MISC	CODE	DESCRIPTION	CONTROL NO	
JOB # A		EPA ENVIRONMENTAL WASTE CHARGES		8.00
TOTAL - MISC				8.00
COMMENTS AM DROP OFF				
TOTALS				
*****				TOTAL LABOR.... 25.00
**				TOTAL PARTS.... 572.00
** CASH [] CHECK#..... CHARGE [] INS [] **				TOTAL SUBLET... 0.00
** MASTER/VISA [] AMEX [] OTHER METHOD..... **				TOTAL G.O.G.... 0.00
** GM CARD [] **				TOTAL MISC CHG. 8.00
*****				TOTAL MISC DISC 0.00
				TOTAL TAX..... 33.88
				TOTAL INVOICE \$ 638.88

ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

(SIGNED _____ DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE))

THE DEALER IS NOT A PARTY TO ANY MANUFACTURER'S WARRANTY ON PARTS OR SERVICE CONTAINED HEREIN. THE DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO ANY PARTS, LABOR OR DIAGNOSTIC SERVICES FURNISHED UNDER THIS ORDER.

CUSTOMER SIGNATURE

CUSTOMER SIGNATURE

SERVICE HOURS:

MONDAY-THURSDAY
7:30 A.M. - 6:00 P.M.

FRIDAY
7:30 A.M. - 5:00 P.M.

JAN 09 2009
PAID

Motor vehicle repair trade 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.

Reynolds and Reynolds EPRINTS/HE CC602151 Q (07/03)



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
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

January 15, 2009

Ms. Jennifer Grieve
1333 S. 63 Street
West Allis, WI 53214

Dear Ms. Grieve:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at approximately South 70 Street and I-94 on January 3, 2009.

The original document will be submitted to the Common Council at its meeting of January 20, 2009.

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

February 4, 2009

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(8) 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.

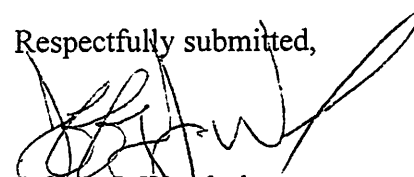
The following claims/lawsuits have been paid and placed on file:

Terri Ratayczak/Mainline Sewer & Water Inc. (\$1,759.04)
Barbara M. Loeffler (\$974.90)
Timothy Higgins (\$141.50)

The following claims/lawsuits have been denied:

✓ Jennifer Grieve (\$638.88)
Thomas R. O'Grosky (\$318.67)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



City of West Allis

Referral Notice

Common Council

7525 W. Greenfield Ave.
West Allis, WI 53214

To: City Attorney
From: Common Council
Date: Tuesday, January 20, 2009

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.

2009-0059 Jennifer Grieve communication regarding vehicle damage allegedly sustained at approximately South 70 Street and I-94 on January 3, 2009.

Due Date:
Instructions:

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



NOTICE OF DISALLOWANCE OF CLAIM

February 20, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Jennifer Grieve
1333 South 63rd Street
West Allis, WI 53214

Re: Your Claim Against the City of West Allis
Date of Loss: 1/03/09

Dear Ms. Grieve:

At its meeting on February 17th, 2009, the Common Council of the City of West Allis considered your claim received on January 15th, 2009, regarding vehicle damages allegedly sustained in the area of South 70th and the ramp to I-94, 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-J Grieve

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

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