

35.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0100	Claim	Claim Report
Herbert Office communication regarding property damage allegedly sustained at 6712 W. Hayes Avenue on January 9, 2009.		
Introduced: 2/17/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUN 02 2009			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
	✓	✓	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale				✓
			Weigel				
			TOTAL	4			1

SIGNATURE OF COMMITTEE MEMBER

Kent Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUN 02 2009			Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
			TOTAL	9			1



May 21, 2009

OFFICE OF THE CITY ATTORNEY

Common Council
City of West Allis

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(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:

Herbert Officer - Amount: \$1,000.00

This is a claim for property damage to items in the claimant's basement when they were destroyed as a result of flooding from a water main break on January 9th, 2009, in front of 6712 West Hayes Street, West Allis, Wisconsin. Despite City workers assisting the claimant with the pumping out of water from his basement, various items of personal property were still damaged beyond repair. On February 6th, 2009, the claimant filed a claim for reimbursement of said personal property items in the amount of \$1,000.00. No formal written estimates of repair were provided to the City with the claimant's claim.

Brian Block, Traffic and Utility Technician for the City of West Allis, investigated this claim. Mr. Block verified that there was a water main break in the area on January 9th, 2009, and interviewed the claimant, as well as the City crew who made the repairs. Mr. Block further looked into the history of water main breaks in the general area and found this to be the first break since the installation of the main in 1929. There simply is no way for a municipality to know exactly when and why a break in a main will occur, especially given the fact that pipes can last well over 100 years, which is why municipalities normally are not held responsible for such events absent prior knowledge of a defective condition in the exact area. Overall, the City followed its practice of responding in a prompt fashion and took quick measures to shut down the water main and repair it once the minor leak developed into a water main break. Therefore, the City acted in a reasonable manner in handling said situation.

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

January 26, 2009

Clerks Office
City of West Allis
7525 W Greenfield Ave
West Allis, WI 53214

To Whom It May Concern::

I wanted to share an experience I had with the City of West Allis' Public Works Department. Our address is 6712 W Hayes, I assume this is the documented location for service.

I have included a copy of the letter I sent to Michael Pertmer of the Public Works Department, thanking his crew for the exceptional service they performed during a water main break in front of our residence. The crew did a fantastic job performing the repair, and we were quite happy with how they kept us informed of the proceedings and the timely completion of the repair.

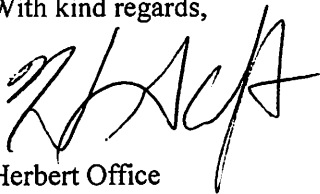
With that said, however, we suffered a substantial flooding of our basement as a result of the water main break. I decided to clean the basement on my own, primarily because I could not afford a service. Now that I have completed that task, and taken stock of the damage, I am contacting the city in hopes to file a claim for replacement of certain personal items. The damage appears to be contained to two computers and 3 area rugs as well as a few miscellaneous items. The desk that I use in our basement appears to have weathered the standing water fairly well, and I'm not looking to have it replaced. We feel very fortunate that the damage is as limited as it is, considering the amount of water in the basement. Fortunately just a few months prior, we bought shelving for the basement to raise most of our belongings off the floor.

Generally speaking I prefer to build my own computers and to replace the two systems, while still salvaging components from the previous systems, is approximately seven hundred dollars. The area rugs are nothing special, and we can replace them easily enough with rugs from Menards for approximately one hundred dollars. Without going into great detail, I estimate I can replace everything for under one thousand dollars.

We discussed filing a claim with our home insurance, however based on the source of damage we decided to contact the city first in hopes that we could file a claim. Assuming that we may continue, I can place the purchases on a credit card, if the city would be willing to allow me to submit the receipts for re-imbusement.

I look forward to hearing from you as soon as possible, as I'd like to act on this quickly.

With kind regards,



Herbert Office
6712 W Hayes Ave
West Allis, WI 53219
262-523-0568 home
262-391-3636 cell

January 26, 2009

Michael Pertmer
City of West Allis - Public Works Dept.
6300 W McGeogh
West Allis, WI 53219

Dear Michael Pertmer:

I wanted to share an experience I had with the City of West Allis' Public Works Department. Our address is 6712 W Hayes, I assume this is the documented location for service.

Late afternoon on January 9th, my wife called me informing me of flowing water in the street. The city was contacted and a crew showed up to inspect. At the time the crew attempted to shut off water to our residence, but was unable to do so. A decision was made then that they would return on Monday to replace the valve and any leaks that were discovered. The on-call person (Craig I believe for that weekend) was summoned later Friday night by an officer on patrol. Water continued to flow into the street, but did not appear to be any worse than originally discovered. The decision again was that the water was not causing any additional harm, so the repair would wait until Monday. In addition to inspecting the water flow, Craig returned a little later and put ample amounts of salt on the sidewalk. The water was freezing almost as fast as it was spreading.


On Saturday the 10th, my wife and I left the house to run a few errands, and upon my return I found the crew had been summoned again, only now to find that the flowing water was much more serious and required a more immediate repair. After talking with the crew to understand the action to be taken, I returned to my residence. I then headed down stairs to retrieve some laundry, only to discover standing water in my basement, approximately 3 to 5 inches wall to wall. I informed the crew that my basement was flooding, and the crew decided to shut the water off immediately (at the main valve).

One of the crew (again, I believe his name was Craig) was very helpful, and after asking for assistance he brought a portable pump into the basement to help me clear the standing water.

I have to say that I was very pleased with the demeanor and courtesy of the crew working. Not only were they informative of the procedures, but they seemed to work with a sincere sense of urgency and efficiency. I'm sure that these guys get very little appreciation when in the field, so I made sure to express my gratitude on the job site, but I wanted to follow that up with a formal letter of thanks to the city for this specific crew.

Thank you to all of the crew that worked through the extreme cold to repair the damaged line. My family and I truly appreciate the work you performed.

Sincerely,



Herbert Officer & Family

Herbert Officer
6712 W Hayes
West Allis WI 53219

RECEIVED
FEB 06 2009
CITY OF WEST ALLIS
CLERK/TREASURER

City Clerks Office
7525 W Greenfield
West Allis, WI 53214



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0003834514 FEB 04 2009
MAILED FROM ZIP CODE 53005

53214+4644





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

February 11, 2009

Mr. Herbert Office
6712 W. Hayes Avenue
West Allis, WI 53219

Dear Mr. Office:

This letter acknowledges receipt of your communication regarding property damage allegedly sustained at 6712 W. Hayes Avenue on January 9, 2009.

The original document will be submitted to the Common Council at its meeting of February 17, 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

May 26, 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.

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

Ronald Crown (\$378.49)
Herbert Officer (\$1,000.00)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosure

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

June 5, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Herbert Officer
6712 West Hayes Avenue
West Allis, WI 53219

Re: Your Claim Against the City of West Allis
Date of Loss: 01/09/09

Dear Mr. Officer:

At its meeting on June 2nd, 2009, the Common Council of the City of West Allis considered your claim received on January 26th, 2009, regarding property damage allegedly sustained at 6712 West Hayes Avenue, 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-H Officer

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