

24



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0398	Claim	Claim Report
Tracy Laverdure communication regarding vehicle damage allegedly sustained at 2040 S. 67 Place on May 14, 2008.		
Introduced: 6/3/2008		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 *[Signature]* 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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

July 16, 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 claims/lawsuits have been placed on file:

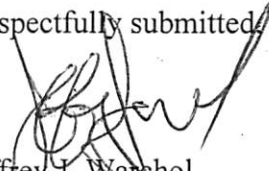
TrustSolutions, LLC/Mary Neustaedter (\$4,822.48)

CEI Services as Subrogees of GE Fleet Services/
Mary Kay Cosmetics/Sandra Hoeft (\$2,766.51)

The following claims/lawsuits have been denied:

Thomas Poppe (\$205.92)
Walters Wrecking Inc. (\$4,085.70)
Tracy Laverdure (\$2,354.00)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



OFFICE OF THE CITY ATTORNEY

July 14, 2008

Scott E. Post
City Attorney

Common Council
City of West Allis

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:


Tracy Laverdure - Amount: \$2,354.00

This is a claim for damages to the claimant's vehicle as a result of a collision with an unmarked police vehicle owned by the City of West Allis and operated by an on duty West Allis Police Lieutenant on May 14th, 2008, in the parking lot of a child day-care facility located at 2040 South 67th Place in the City of West Allis, WI. The lieutenant pulled into the lot with the intent of changing direction to travel northbound on 67th Place in the 2000 block. While backing out of a stall, the claimant backed out at the same time thus an accident ensued between the parties. The claimant obtained two (2) estimates from auto repair facilities and filed a claim against the City on May 23rd, 2008.

Deputy Chief of Police Rick Balistrieri, as well as the West Allis Motor Vehicle Crash Review Board, reviewed this matter on June 4th, 2008. It was the finding of both parties that the police lieutenant was only partially at fault for the accident. In a situation like this, an equal amount of blame can easily be placed on the other driver for her failure to also keep a proper lookout when backing up a vehicle. Although the police vehicle did strike the claimant's vehicle, it appears from the evidence that both parties were backing out from their respective stalls at about the same time. Because fault is reasonably attributable to both parties, cases like this are best handled by each parties respective insurance company for the damages as opposed to one party contributing to the damage repair of the other.

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



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

May 29, 2008

Ms. Tracy Laverdure
3352 S. 67 Street
Milwaukee, WI 53219

Dear Ms. Laverdure:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 2040 S. 67 Place on May 14, 2008.

The original document will be submitted to the Common Council at its meeting of June 3, 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

5/20/2008

RECEIVED

MAY 23 2008

CITY OF WEST ALLIS
CLERK/TREASURER

To whom it may concern,

On 5/14/2008, I was involved in a traffic altercation with a city of West Allis employee. There is damage to my vehicle that I would like repaired. I have been referred by Tom Mann from Cities & Villages Mutual Insurance and by a clerk from the non emergency police line to file a claim with your office.

On 5/14/2008 at approximately 10:00am, I had just dropped my son off at his childcare center at 2040 S. 67 Pl. and was ready to leave the parking lot. I looked and saw a vehicle pull into a spot in the parking lot. After that vehicle stopped, I backed out of my spot to leave the center. I was fully out of the parking spot when the driver of the other vehicle started backing up without looking. He smashed into the drivers side and back side panel of my caravan. It is my understanding that the driver of the other vehicle saw a daycare parking only sign after pulling in and realized he was in the wrong parking lot and backed out without looking.

West Allis police department was called and a report taken by Mark Sopa, a Traffic Investigator.

The Name and contact information of the driver that hit my vehicle is:

William Krueger
11301 W. Lincoln Ave.
West Allis, WI 53227
302-8200

I was told he was an undercover officer or detective. The vehicle that he was driving was an unmarked vehicle.

I am requesting that the city pay for the damages to my vehicle. I have included two estimates for repair. One is in the amount of \$2,000.00 from Allis Auto Body and the other is in the amount of \$2,354.04 from Forest Home Auto Body.

My name and contact information is:

Tracy Laverdure
3352 S. 67 St.
Milwaukee, WI 53219
414-329-0189 home
414-321-6470 work

If you have any questions please give me a call. I look forward to hearing a response soon.

Sincerely,



Tracy Laverdure

FOREST HOME AUTO BODY
 3135 W. FOREST HOME AVENUE
 MILWAUKEE, WISCONSIN 53215
 OFFICE: 414-384-6360 FAX: 414-384-6354
 FEDERAL ID # 39-1897933

CD LOG NO 10488-1 DATE 05/19/08

SHOP: FOREST HOME AUTO BODY, INC. INSP DATE: 05/19/08
 ADDRESS: 3135 WEST FOREST HOME AVE. PHONE 1: (414)384-6360
 CITY STATE: MILWAUKEE, WI FAX: (414)384-6354
 ZIP: 53215-

OWNER: LAVERDURE, TRACY HOME PHONE: (414)329-0189
 ADDRESS: 3352 S. 67TH ST.
 CITY STATE: MILWAUKEE, WI
 ZIP: 53219

POINT OF IMPACT: 6

LIC#: 816-BML STATE: WI VIN: 1B4GP25372B537493
 BODY COLOR: BLUE MILEAGE: 46,018
 CONDITION: ACCTNG CTL#:

PROD.DATE: 09/01 PAINT CODE:

*=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

2002 DODGE CARAVAN SE 4DOOR PASSENGER VAN 6CYL GASOLINE 3.3 FLEX
 CODE: N6632B/B OPTNS A/24DE

OPTIONS:
 TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
 POWER DOOR LOCKS POWER WINDOWS

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	-----	-----	---	---	-----	-
BR	0201	13	PNL, FRONT DOOR OUTE	LT BLEND REFINISH				2.1	4
RI	0244		W/STRIP, BELT OUTER	LT R&I ASSEMBLY				0.2	1
RI	0071		MLDG, FRONT DOOR SID	LT R&I ASSEMBLY				0.4	1
RI	0217		MIRROR, OUTER R/C	LT R&I ASSEMBLY				1.1	1
RI	0211		HANDLE, FRONT DOOR O	LT R&I ASSEMBLY				0.7	1
E	0289	01	PNL, REAR DOOR OUTER	LT 4717643AA	400.00			6.0	1
L	0289		PNL, REAR DOOR OUTER	LT REFINISH				3.7	4
EC	0263		SEALANT KIT, RR DR G	LT ECONOMY PART	25.00*			1.2	1

2002 DODGE CARAVAN SE 4DOOR PASSENGER VAN
 CD LOG NO 10488-1

E 0239 01	MLDG, REAR DOOR SIDE LT	SU99AJ6AA	62.20	0.4	1
RI 0295	REAR DOOR GLASS R & LT	R&I ASSEMBLY		INC	1
I 0389	PANEL, BODYSIDE OUTE LT	REPAIR		6.0*	1
L 0389	PANEL, BODYSIDE OUTE LT	REFINISH		3.4	4
RI 0533	TAILLAMP ASSEMBLY LT	R&I ASSEMBLY		0.3	1
N 0553	REAR BUMPER COVER R&I	ADDNL LABOR OPERA		0.9	1
EC M14	CORROSION PROTECTION	ECONOMY PART	10.00*	0.3*	1*
EC M17	COVER CAR EXTERIOR	ECONOMY PART	10.00*	0.3*	1*
EC M60	HAZARD. WSTE. REM.	ECONOMY PART	3.00*		1
EC	DOORSKIN KIT	ECONOMY PART	45.00*		1*
L	MASK DOOR JAMBS EA	REFINISH	*	0.6*	4*

19 ITEMS

MC MESSAGE(S)
 01 CALL DEALER FOR EXACT PART NUMBER / PRICE
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		462.20
OTHER PARTS		93.00
PAINT MATERIAL		294.00
PARTS & MATERIAL TOTAL		849.20
TAX ON PARTS & MATERIAL @	5.600%	47.56

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	50.00	10.9	6.9	890.00
2-MECH/ELEC	64.00			
3-FRAME	55.00			
4-REFINISH	50.00	9.8		490.00
5-PAINT MATERIAL	30.00			
LABOR TOTAL				1,380.00
TAX ON LABOR		@	5.600%	77.28
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL	2,354.04
NET TOTAL	2,354.04

SHOPLINK U4709 ES CD LOG 10488-1 DATE 05/19/08 12:46:16AM R6.37 CD 04/08
 PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53215
 HOST LOG
 (C) 1998 - 2007 AUDATEX NORTH AMERICA, INC.

2.3 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.

 THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE.

2002 DODGE CARAVAN SE 4DOOR PASSENGER VAN
CD LOG NO 10488-1

WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THESE PARTS. AFTERMARKET OR REPLACEMENT PARTS ARE IDENTIFIED ON EST BY THE WORDS "QUALITY REPLACEMENT OR ECONOMY PARTS" "MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATC 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."

Allis Auto Body COLLISION & REFINISHING SPECIALISTS

6821 W. Burnham Street, West Allis, WI 53219

Phone 541-0581

Fax 541-0832

ESTIMATE OF REPAIR

NAME Tracy Laverdure DATE 5-19-08
 STREET 3352 S. 67th PHONE 414-329-0189
 CITY Milwaukee STATE WI ZIP 53219
 INSURED BY _____ ADJUSTER _____ PHONE _____

MAKE - MODEL - YEAR	LICENSE NO.	COLOR	SERIAL NO.	MILEAGE
<u>Dodge Caravan</u>	<u>2002</u>	<u>Blue</u>		

REPAIR	REPLACE	PARTS NECESSARY AND ESTIMATE OF LABOR REQUIRED	PARTS & MATERIAL	LABOR	REFINISH
✓	✓	<u>left sliding door outer panel</u>	<u>400.00</u>	<u>80</u>	<u>30</u>
✓		<u>left 1/4 panel</u>		<u>30</u>	<u>25</u>
		<u>blend left front door</u>		<u>10</u>	<u>10</u>
		<u>blend left 1/4 panel</u>			
		<u>nt's left side trim</u>		<u>20</u>	
		<u>corrosion protection</u>	<u>10.00</u>		
		<u>clearcoat</u>			<u>30</u>
		<u>paint + material</u>	<u>285.00</u>		
		<u>car cover</u>	<u>5.00</u>		
				<u>11 hrs</u>	<u>9.5 hrs</u>
		SUBLET			
		SUBTOTAL	<u>700.00</u>	<u>700.00</u>	<u>475.00</u>

The above report is based on our inspection and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally after the work has been started, damaged or broken parts are discovered which are not evident on the first inspection. Because of this, above prices cannot be guaranteed. This estimate is for immediate acceptance only. I hereby grant you and/or your employees permission to operate the car, truck or vehicle described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car, truck or vehicle to secure the amount of repairs thereto.

AUTHORIZATION FOR REPAIRS - You are hereby authorized to make the above specified repairs.

Signed: _____ Date: _____

TOTAL 1875.00
SALES TAX 125.00
GRAND TOTAL 2000.00



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

Ms. Tracy Laverdure
3352 South 67th Street
Milwaukee, WI 53219

Re: Your Claim Against the City of West Allis
Date of Loss: 5/14/08

Dear Ms. Laverdure:

At its meeting on August 5th, 2008, the Common Council of the City of West Allis considered your claim received on May 23rd, 2008, regarding vehicle damage allegedly sustained at 2040 South 67th Place, 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. Ziebler
City Administrative Officer
Clerk/Treasurer

PMZ:da
L:\jeff\claims\denialLtrs\ltr-denial-T Laverdure

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