

#32



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0140	Claim	Claim Report
Sharon Borchardt communication regarding vehicle damage allegedly sustained at South 76 Street and West Pierce Street on March 3, 2008.		
Introduced: 3/18/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008	✓		Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
		✓	Vitale	✓			
			Weigel				
			TOTAL	5	-		

### SIGNATURE OF COMMITTEE MEMBER

*Rust Kopplin*  
 Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

### COMMON COUNCIL ACTION

*Denied*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	10	-		

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

**ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

**LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale





OFFICE OF THE CITY ATTORNEY

April 11, 2008

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 (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:**

**Sharon Borchardt - Amount: \$555.12**

This is a claim for vehicle damage that occurred as a result of the claimant striking a pothole in the road on March 3<sup>rd</sup>, 2008, at South 76<sup>th</sup> Street and Pierce Avenue in the City of West Allis, WI. The claimant's vehicle needed a new rim, tire and front-end alignment as a result of striking the pothole. The claimant filed a claim against the City on March 5<sup>th</sup>, 2008, in the amount of \$555.12.

Our investigation into this claim indicated that the City did not have prior knowledge of the pothole prior to it being hit by the claimant. Due to weather conditions, there are an extraordinary amount of potholes this year occurring on streets throughout the City. The Department of Public Works is doing its best to repair potholes as they are discovered. In a case like this, the City is not liable for damages unless it had prior knowledge of the defect in the roadway and failed to repair the same in a reasonable amount of time. These are claims that are best handled by the auto insurance carrier for the claimant.

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 Claim Statute 893.80.

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da



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*

March 7, 2008

Ms. Sharon Borchardt  
3462 S. 35 Street  
Milwaukee, WI 53215

Dear Ms. Borchardt:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at South 76 Street and West Pierce Street on March 3, 2008.

The original document will be submitted to the Common Council at its meeting of March 18, 2008.

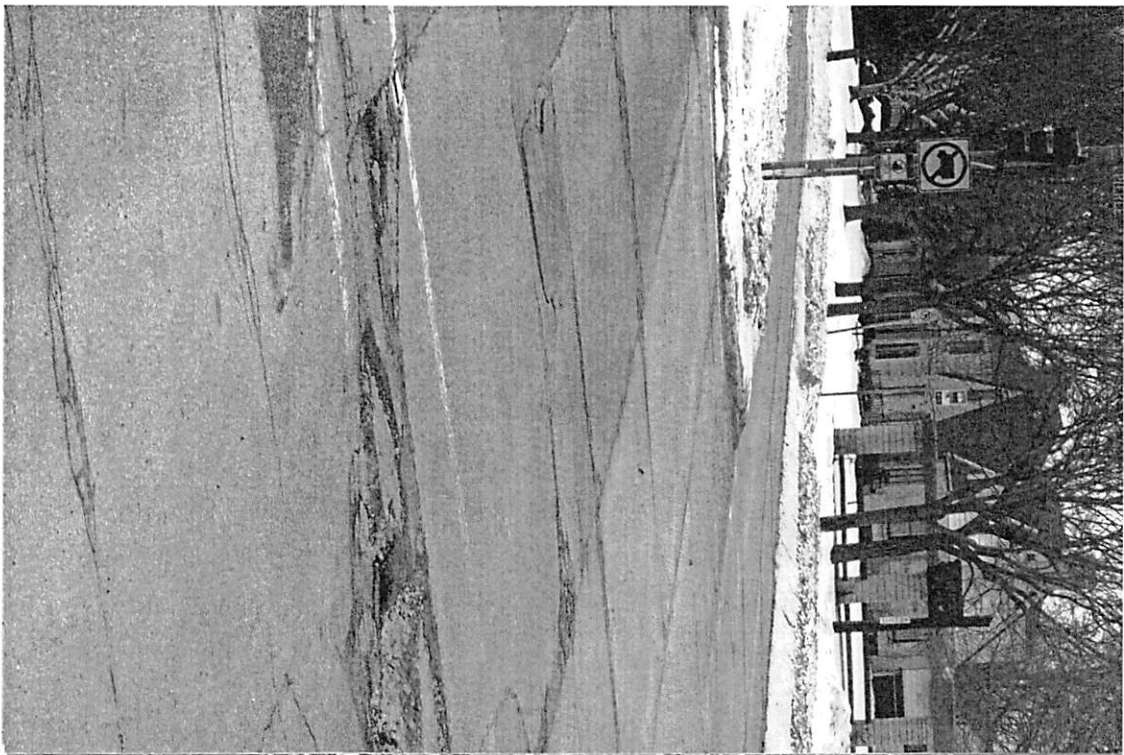
It is not anticipated that a decision regarding this matter will be made on this date. Generally, all communications are directed to the City Attorney's office for investigation. Common Council action regarding your communication will not be taken until the City Attorney's investigation is completed. Any questions you may have regarding this matter should be directed to their attention.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

cc: City Attorney







RECEIVED

MAR 05 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

Dated 3-4-08

Page 1

I would like reimbursement For Damages to my vehicle Due to the lax of Street repair in the City of West Allis.

on the evening of Monday March 3rd, 2008 at Around 7:00 pm I was driving Northbound on South 76th Street and Pierce when my Front right tire Suddenly dropped into a huge pot hole and instantly Blew the Front right tire. Because it was dark outside I did not see the pot hole and therefore could not avoid driving into it. I pulled over to the right of the road to check the damages. The Tire was Totally flat with a big Four inch hole or Flap on it. This was very Alarming to me not just because it was so loud, but because I happened to be on my way to Children's hospital with my grandson who was having difficulty with coughing due to his Asthma, my other passengers were his mother who was also Sick with influenza and her mother. So here we were with a terrible situation. Now how do I get my grandson and his mother to the hospital, (that's what I am thinking) So I called my husband and he came to where we were and he took them to the hospital while I waited For Triple AAA (AAA) to fix or I should say he put a Temporary emergency tire on. So I could get to the hospital and be with my grandson while he was being treated.

DATE: 10/23/2018

PAGE 1

I would like reimbursement for the amount of \$100.00.

City of West Allegheny

On the evening of Monday, November 19, 2018, I

arrived in the City of West Allegheny for the purpose of

attending to my duties as a member of the

Board of Directors. I was accompanied by my wife, and

our two children. We were staying at the West Allegheny

Hotel and the amount of \$100.00 was used for

lodging for the night of November 19, 2018.

I have submitted this request for reimbursement of

the amount of \$100.00 to the City of West Allegheny.

I was not paid for this expense as I was not

working for the City of West Allegheny on that

date. I was on my own time and was not

being compensated by the City of West Allegheny.

I am submitting this request for reimbursement of

the amount of \$100.00 to the City of West Allegheny.

I am enclosing the receipt for this amount.

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The Following day March 4th I drove to South 76th Street and Pierce and took several pictures of this pot hole my vehicle fell in and then proceeded to the Honda dealer in Waukesha where I have all of my Auto Service done.

Wilde Honda replaced my Tire, my Rim was also bent and had to be replaced and I needed a Front end Alignment. This entire ordeal could have been avoided if the City of West Allis would have kept up on the repairs of the City streets. So, in accordance with damages done to my car I wish to be reimbursed by the City of West Allis.

I Am sending along with this letter photos of the pot hole my vehicle fell in. Along with the itemized Bill from WILDE Honda.

NAME, AND Address. Sincerely, MRS Borchardt

Sharon Borchardt  
3462 S. 35th Street  
Milwaukee, Wisconsin, 53215

Phone. 414-384-6608





# WILDE HONDA



1710 Hwy 164 • Waukesha, WI 53186  
(262) 542-9300 • www.wildeauto.com

CUSTOMER NO. <b>160595</b>	ADVISOR <b>RICHARD J HELFER</b>	2021 TAG NO. <b>2329</b>	INVOICE DATE <b>03/04/08</b>	INVOICE NO. <b>HOC360462</b>	
TERRY L BORCHARDT 3462 S 35TH ST MILWAUKEE, WI 53215-4104	LABOR RATE	LICENSE NO.	MILEAGE <b>29,714</b>	COLOR <b>BRONZE/</b>	
	YEAR / MAKE / MODEL <b>06/HONDA/ACCORD/4DR EXL AUTO</b>			DELIVERY DATE <b>12/07/05</b>	STOCK NO. <b>29164</b>
	VEHICLE I.D. NO. <b>1 H G C M 5 6 8 9 6 A 0 4 7 7 4 0</b>			DELIVERY MILES <b>91</b>	PRODUCTION DATE
	F.T.E. NO.		P.O. NO.	R.O. DATE <b>03/04/08</b>	
RESIDENCE PHONE <b>414-384-6608</b>	BUSINESS PHONE	COMMENTS E# K24A8-1048397	MO: 29718		

<b>LABOR &amp; PARTS</b>		<b>J# 1 37HOZ WHEEL &amp; TIRES</b>		TECH(S):1683	31.50
CUSTOMER STATES A TIRE BLEW OUT / ADVISE DUE TO A POT HOLE IN THE ROAD. THE RIGHT FRONT TIRE WAS BLOWN OUT / TORN. THE RIGHT FRONT RIM WAS BENT THE RIGHT FRONT TIRE AND RIM WERE REPLACED. RETESTED GOOD.					
PARTS	QTY	FP-NUMBER	DESCRIPTION	UNIT PRICE	
JOB # 1	1	42751-MIC-078	TIRE P205/60R16	180.00	180.00
JOB # 1	1	205-60-16 MXV4 S8			
JOB # 1	1	42700-SDA-J02	DISK 16X6 1/2JJ	181.68	181.68
				JOB # 1 TOTAL PARTS	361.68
				JOB # 1 TOTAL LABOR & PARTS	393.18

<b>J# 2 05HOZMJSUSPEN MAJOR SUSPENSION</b>		TECH(S):1683	115.00		
CUSTOMER STATES SINCE THE POT HOLE DAMAGE THERE IS AN THERE IS A PULL / PLEASE ADVISE IF THERE IS ANY ADDITIONAL OUT OF ALINGMENT SPECS WE HAD PERFORMED AND COMPLETED A FOUR WHEEL ALINGMENT. THE SETTINGS ARE WITH IN PROPER SPECS.					
PARTS	QTY	FP-NUMBER	DESCRIPTION	UNIT PRICE	
				JOB # 2 TOTAL PARTS	0.00
				JOB # 2 TOTAL LABOR & PARTS	115.00

MISC	CODE	DESCRIPTION	CONTROL NO	
JOB # A	MH	HAZARDOUS WASTE AND SUPPLIES		20.00
TOTAL - MISC				20.00

ESTIMATE  
CUSTOMER HEREBY ACKNOWLEDGES RECEIVING ORIGINAL ESTIMATE OF \$556.99 (+TAX)

COMMENTS  
WAITER / OUR ASAP

**SERVICE & PARTS DEPARTMENT HOURS**

Service  
Mon - Thur 7:00 - 7:00 Fri 7:00 - 5:30  
Sat 8:00 - 4:00

Parts  
Mon - Fri 7:00 - 7:00 Sat 8:00 - 4:00

**SALES DEPARTMENT HOURS**

Monday - Friday  
9:00 AM - 9:00 PM

Saturday  
9:00 AM - 5:00 PM

**THANK YOU**

**WE APPRECIATE**

**YOUR BUSINESS!**



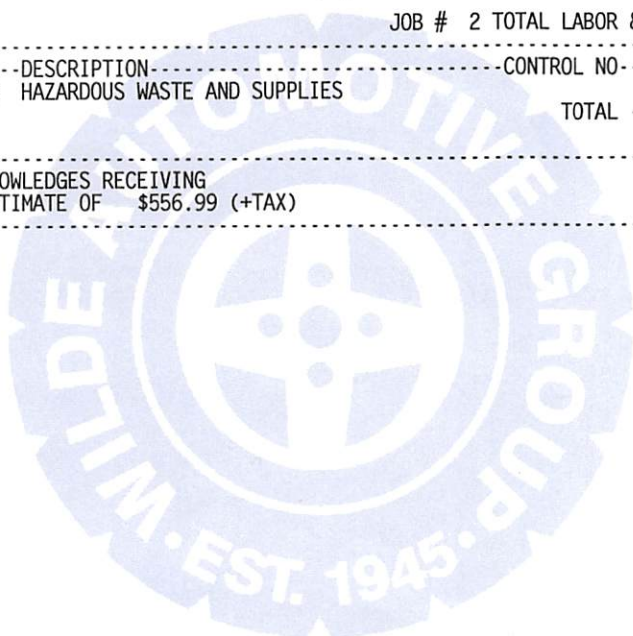
**HAVE AN**

**EXCELLENT DAY!**

**DISCLAIMER OF WARRANTIES**

The seller hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

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.







# WILDE HONDA



1710 Hwy 164 • Waukesha, WI 53186  
(262) 542-9300 • www.wildeauto.com

CUSTOMER NO. <b>160595</b>		ADVISOR <b>RICHARD J HELFER</b>	2021	TAG NO. <b>2329</b>	INVOICE DATE <b>03/04/08</b>	INVOICE NO. <b>HOC360462</b>
TERRY L BORCHARDT 3462 S 35TH ST MILWAUKEE, WI 53215-4104		LABOR RATE	LICENSE NO.	MILEAGE <b>29,714</b>	COLOR <b>BRONZE/</b>	STOCK NO. <b>29164</b>
		YEAR / MAKE / MODEL <b>06/HONDA/ACCORD/4DR EXL AUTO</b>			DELIVERY DATE <b>12/07/05</b>	DELIVERY MILES <b>91</b>
		VEHICLE I.D. NO. <b>1 H G C M 5 6 8 9 6 A 0 4 7 7 4 0</b>			SELLING DEALER NO.	PRODUCTION DATE
		F.T.E. NO.		P.O. NO.		R.O. DATE <b>03/04/08</b>
RESIDENCE PHONE <b>414-384-6608</b>	BUSINESS PHONE	COMMENTS <b>E# K24A8-1048397</b>			MO: 29718	

TOTALS-----

\*\*\*\*\*  
 \*\*CASH.....CHECK.....\*\*  
 \*\*MC...VISA...AMEX...\*\*  
 \*\*DISCOVER.....\*\*  
 \*\*\*\*\*

\*\*\*SALES DEPT.\*\*\*  
 BE SURE TO VISIT OUR 24-HOUR  
 SHOWROOM ON THE INTERNET!!  
<http://www.wildehonda.com>

TOTAL LABOR.... 146.50  
 TOTAL PARTS.... 361.68  
 TOTAL SUBLET... 0.00  
 TOTAL G.O.G.... 0.00  
 TOTAL MISC CHG. 20.00  
 TOTAL MISC DISC 0.00  
 TOTAL TAX..... 26.94

**TOTAL INVOICE \$ 555.12**

1. WAS YOUR SERVICE EXPERIENCE EXCELLENT?  
 2. DID YOUR SERVICE ADVISOR EXPLAIN WHAT WAS DONE TO YOUR VEHICLE?  
 3. DO YOU FEEL IT WAS EXPLAINED WELL ENOUGH?  
 4. DO YOU UNDERSTAND YOUR INVOICE?  
 IF YOU CAN NOT ANSWER YES TO ALL THESE QUESTIONS, PLEASE CONTACT JIM <SERVICE MANAGER> AT 262-542-9300 EXT 2751  
 \*\*\*\*\*  
 FOR E-DISCOUNT COUPONS, PLEASE GIVE US YOUR E-MAIL ADDRESS  
 \*\*\*\*\*

**SERVICE & PARTS DEPARTMENT HOURS**

Service  
 Mon - Thur 7:00 - 7:00 Fri 7:00 - 5:30  
 Sat 8:00 - 4:00

Parts  
 Mon - Fri 7:00 - 7:00 Sat 8:00 - 4:00

**SALES DEPARTMENT HOURS**

Monday - Friday  
 9:00 AM - 9:00 PM  
 Saturday  
 9:00 AM - 5:00 PM

CUSTOMER SIGNATURE

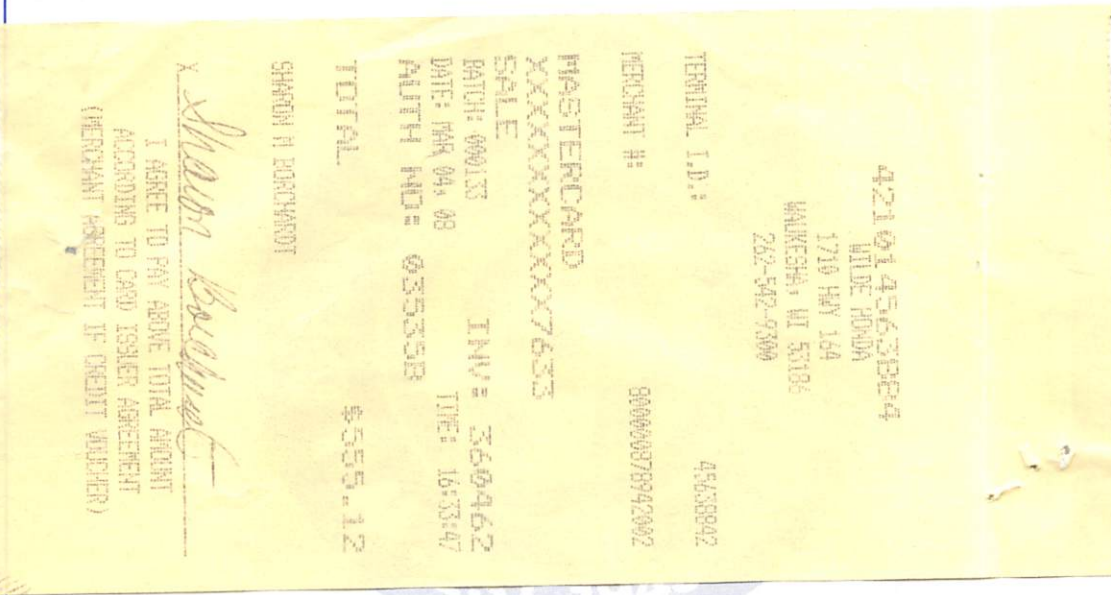
**THANK YOU  
WE APPRECIATE  
YOUR BUSINESS!**



**HAVE AN  
EXCELLENT DAY!**

**DISCLAIMER OF WARRANTIES**  
 The seller hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

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.







OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

April 18, 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.

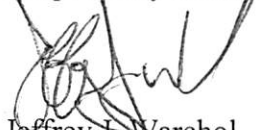
**The following claim/lawsuit has been placed on file:**

Estate of Helen T. Krenek (\$570.00)

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

John Hennes (\$700.00)  
Sharon Borchardt (\$555.12)  
Mark Hyde (\$722.40)  
Steven T. Robinson by Atty. Phillip J. Ramthun (\$35,250.00)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

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**

May 7, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Sharon Borchardt  
3462 South 35<sup>th</sup> Street  
Milwaukee, WI 53215

Re: Your Claim Against the City of West Allis

Dear Ms. Borchardt:

At its meeting on May 6<sup>th</sup>, 2008, the Common Council of the City of West Allis considered your claim received on March 7<sup>th</sup>, 2008, regarding alleged vehicle damage 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-S Borchardt

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