



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

24.
6.
18.
11.

| File Number | Title | Status |
|-------------|-------|--------|
|-------------|-------|--------|

2007-0052 Claim Claim Report

Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

Introduced: 2/6/2007

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny
Refer to PW - Pay Half of Cost (PW)

ACTION DATE:
APR 03 2007

| MOVER | SECONDER |
|-------|----------|
| ✓ | ✓ |
| | |
| | |
| | NO |
| | |
| | ✓ |
| | |
| | ✓ |
| | |
| | ✓ |

| | AYE | NO | PRESENT | EXCUSED |
|------------|-----|----|---------|---------|
| Barczak | ✓ | | | ✓ |
| Czaplewski | ✓ | ✓ | | |
| Dobrowski | | ⊗ | | |
| Kopplin | | ⊗ | | |
| Lajsic | ✓ | ✓ | | |
| Narlock | | ⊗ | | |
| Reinke | ✓ | ✓ | | |
| Sengstock | | ⊗ | | |
| Vitale | | ⊗ | | |
| Weigel | ✓ | ✓ | | |

Blue Ink 4-3-07
Deny
Pencil cks 4-17-07
Reconsidered
Sent to P/W
⊗ PW refer to A/F 5-1-07

TOTAL ✓ 5 ⊗ 0
✓ 4 ⊗ 5 0 0 1

SIGNATURE OF COMMITTEE MEMBER

[Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

Denied APPROVAL

ACTION DATE:
APR 03 2007
6/19/07

| MOVER | SECONDER |
|-------|----------|
| ✓ | ✓ |
| | |
| | |
| | |
| | ✓ |
| | |
| ✓ | |
| | |
| | |
| | |

| | AYE | NO | PRESENT | EXCUSED |
|------------|-----|----|---------|---------|
| Barczak | ✓ | ✓ | | |
| Czaplewski | ✓ | ✓ | | |
| Dobrowski | ✓ | ✓ | | |
| Kopplin | ✓ | ✓ | | |
| Lajsic | ✓ | ✓ | | |
| Narlock | ✓ | ✓ | | |
| Reinke | ✓ | | | |
| Sengstock | ✓ | ✓ | | |
| Vitale | ✓ | ✓ | | |
| Weigel | ✓ | ✓ | | |

TOTAL ⊗ 5 ⊗ 4



OFFICE OF THE CITY ATTORNEY

March 22, 2007

Common Council
City of West Allis

Scott E. Post
City Attorney
Sheryl L. Kuhary
Jeffrey J. Warchol
Cheryl L. Wentland
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:

Jim Henry (Jim's Oval Bar) - Amount: \$ 557.62

This is a claim for property damage that occurred at 9141 West National Avenue, known as Jim's Oval Bar, on December 28th, 2006, when a water pipe located between the main and the curb stop broke causing water to flood the claimant's basement. When the claimant first noticed an issue with water coming into the basement, he contacted Ihn Plumbing Co. to analyze and repair the problem. An employee of Ihn Plumbing Co. arrived on the scene and chose to excavate in the basement of the property prior to confirming the exact location of the leak. After a period of time of digging without stopping the flow of water, Ihn Plumbing Co. then contacted the City to investigate. A City crew promptly arrived at the scene, shut off the water and determined that the break was located between the main and the curb stop, which is the responsibility of the City to repair by policy. As a result of the incident, the claimant had to pay Ihn Plumbing Co. the amount of \$395.00 for excavation and cement patching of the basement floor, as well as \$162.62 to A-1 Services, Inc. for the repair of an ice machine, which the claimant felt was damaged as a result of the water being turned off to the property. A claim was filed with the City on January 18th, 2007, in the amount of \$557.62 for the above-referenced damages.

Brian D. Block, Traffic & Utility Technician for the City of West Allis, investigated this claim. Mr. Block interviewed the claimant, Jim Ihn of Ihn Plumbing Co., and members of the City's Water Division, personally visited the property and the site of the break and reviewed City records pertaining to the history of water main breaks in the current vicinity. Mr. Block's opinion is that the City is not negligent in this claim for the following reasons:

- The City of West Allis had no knowledge of a break at or near the vicinity of 9141 West National Avenue (Jim's Oval Bar) prior to receiving notification by Ihn Plumbing Co. to shut off the water service. Additionally, the City had no information or reason to believe that a problem existed at or near the vicinity of the location of the service prior to the break.

- Ihn Plumbing Co. decided to excavate in the basement of the property without confirming that the leak was actually located inside the building. Ihn Plumbing Co. chose to blindly dig and try to follow the leak, instead of attempting to isolate the leak by shutting off valves, as would be the normal procedure.
- The City's Water Division crew was not given an opportunity to locate and repair the leak, and by the time the City was called and a crew arrived, the damage to the basement floor had already been done.

Michael Pertmer, Director of Public Works for the City of West Allis, has also reviewed this claim and fully concurs with Mr. Block's opinion stated above. Regarding the specific damages requested by the claimant, Mr. Pertmer notes the following:

- Upon the City crew arriving on the scene, an employee of Ihn Plumbing Co. had already broken up the basement floor apparently anticipating that the water leak was on the tavern's side of the shut-off and therefore would be the responsibility of the tavern to repair. In short, had the owner and/or plumber followed typical procedures and notified the City of the problem so that we could have made a determination as to responsibility, the floor would not have been torn up and needed repair.
- The claimant is also asking for \$162.62 to repair its ice-making machine that had to be repaired because the water was turned off. However, the City notified the owner that the water to the building would be turned off when we made our repairs. This should have given the owner more than ample time to exercise the proper shut down procedure for the ice-making machine. Had that been followed, it does not make sense how turning the water off would necessitate repairs once the water was turned back on.

The City Attorney's Office has reviewed this claim and concurs with the opinions of Mr. Block and Mr. Pertmer stated above. Furthermore, the normal procedure for the City is to deny all water main break claims unless the City had prior knowledge of the defect and did not take proper action to remedy it or took action that failed to correct the situation. As stated above, this is not the factual situation in this claim. The claimant should really be pursuing Ihn Plumbing Co. for not following proper procedure of notifying the City prior to excavating the basement area. 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

cc: Administration & Finance Committee
Public Works Committee

RECEIVED

JAN 10 2007

CITY OF WEST ALLIS
CLERK/TREASURER

January 10, 2007

City of West Allis
Attn: Mr. Michael Pertmer
Public Works Director
6300 West McGeoch
West Allis, WI 53219

Re: Water Damage at 9141 West National Avenue

Dear Mr. Pertmer:

I recently conferred with Alderman Jim Sengstock relative to the situation which occurred at my business located at 9141 West National Avenue, known as Jim's Oval Bar. He told me to send you a letter setting forth the facts as they occurred.

On or about December 28th or 29th I noticed that there was water coming out of the pipe near the water meter in the basement. There was about an inch of water in the basement. I called in Ihn Plumbing Company who came out on the same date. They ripped up the floor near the water meter, and concluded that there was not a breakage in any of the pipes, and that more than likely there was a break somewhere outside. A call was placed to the City of West Allis as to the fact that there might be a leak outside. City of West Allis personnel came to check the situation out, and concluded that indeed there was an outside leak. A water main had broken, and quite conceivably it had been broken for a number of days. The water seeped in under the floor of my building, and as a result the water was bubbling up by the pipe. A representative from the City of West Allis did come and wanted to check the problem out, concluding that there was a leak, and in support of Ihn Plumbing Company's opinion, felt that the leak was outside. City of West Allis Public Works personnel did repair the broken water main.

As a consequence of the broken water main the basement floor had to be patched, the cost of which was \$395. I have enclosed a copy of the statement from Ihn Plumbing Company. Additionally, because the water had to be shut down, my ice machine had to be repaired. Enclosed is a copy of the statement from A-1 Services, Inc. setting forth that the water had to be turned off, and this caused the ice machine to shut down on high pressure because the machine is water cooled. I had to pay \$162.62 for the repair.

Mr. Michael Pertmer
January 10, 2007
Page Two

I am respectfully requesting that I be reimbursed for both expenditures. I am going to send a copy of this letter to Alderman Tom Lajsic and Alderwoman Linda Dobrowski. I am also sending a copy of this letter to Alderman Dick Narlock, who I understand is the Chairman of the Public Works Committee.

I would appreciate whatever assistance you could give me.

Very truly yours,

A handwritten signature in blue ink that reads "Jim Henry". The signature is written in a cursive, slightly slanted style.

Jim Henry
9141 West National Avenue
West Allis, Wisconsin 53227

JOB TICKET



THE IHN PLUMBING CO.

17300 W. Cleveland Ave.
New Berlin, WI 53146
262-785-9080 • FAX 262-785-9082

(2)

JOB No 12285

DATE 1/3/07

WORKMAN Tom

Old Customer New Customer

Name (Owner/Tenant) Jim Henry's Oval Bldg Bill To 9:00AM

Job at 9141 W National At _____

TEL _____

Nature of Work: Patch Floor?

DESCRIBE FULLY: Nature of Work Done, Exact Location of Each Fixture or Repair Made; Continue on Reverse Side if Necessary

| Time | From | To | Hours | MATERIALS USED | AMOUNT |
|-------------|-------|------|-------|---------------------------------------|--------|
| Mon. | 12:00 | 1:00 | 1 | _____ patch basement floor | 395.00 |
| Tue. | | | | Work Done on job 12689 | |
| Wed. | | | | | |
| Thur. | | | | | |
| Fri. | | | | | |
| Sat. | | | | | |
| TOTAL HOURS | | | | | |

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR WHO HAVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

TO THE CUSTOMERS: Service men are required to have work slip signed. This is done in order to protect you, the workmen and ourselves, and enable us to give you absolute satisfactory service. You are respectfully requested to examine the material and labor statement before workmen leave the job, and if you find everything satisfactory, okay this ticket. If service is unsatisfactory, in any way, please phone our office immediately.

I find the time and material charged above satisfactory and agree to pay for same on presentation of statement, and further agree to pay reasonable charges for collection, including attorneys fees in the event of my default. Interest will be charges at the rate of 1 1/4% per month on all accounts 30 days past due.

Signed _____

C.O.D. OR CHARGE:



DISCOVER

| | | |
|---|------------|-----------|
| Min. Material Charge - \$5.00 | | |
| Labor | | |
| Trip Charge | | |
| Truck - Equipment | | |
| Sub-Total | | |
| <input type="checkbox"/> Tax <input type="checkbox"/> Non Tax | | |
| 5.1% Sales Tax | | |
| 5.6% Sales Tax | | |
| Others | | |
| TOTAL | 395 | 00 |



www.a-1serviceinc.com

2025 W. SOUTHBRANCH BLVD., #300, OAK CREEK, WI 53154
(414) 304-9500 FAX: (414) 304-1730

Work Order: 5212300601 Date: 12-30-06

| Customer Site | | Bill to Address | |
|---------------|------------------------------|-----------------|------------------------------|
| CUSTOMER | <u>JIM'S OVAL BAR</u> | SITE NUMBER | CUSTOMER |
| STREET | <u>9141 W. NATIONAL AVE.</u> | STREET | |
| CITY | <u>WEST ALLIS</u> | CITY | COUNTY |
| STATE | ZIP CODE | TELEPHONE NO. | STATE ZIP CODE TELEPHONE NO. |

Reason for Service: ICE MACHINE NOT WORKING.

| WORK PERFORMED | QTY. | MATERIALS | PRICE | EXTENSION |
|--|------|------------------|-----------------------|--------------|
| <u>- FOUND ICE MACHINE HAD SHUT DOWN ON HIGH PRESSURE SWITCH.</u> | | | | |
| <u>- RESET PRESSURE SWITCH AND TURNED ICE MACHINE BACK ON.</u> | | | | |
| <u>- CHECKED OPERATING PRESSURES. - O.K.</u> | | | | |
| <u>- MACHINE MADE 1 BATCH OF VERY SMALL CUBES. ADJUSTED CUBE SIZE. MONITORED ANOTHER ICE MAKING CYCLE. REMOVED AND CLEANED OUT WATER DISTRIBUTOR TUBE TO GET GOOD WATER FLOW OVER EVAPORATOR PLATES.</u> | | | | |
| <u>- WATER ICE CUBES ARE NOW FULL SIZE AND ICE MACHINE IS NOW WORKING NORMALLY.</u> | | | | |
| | | Refrigerant | | |
| | | Leak Lock | | |
| | | EPA Recovery | | |
| | | Torch | | |
| | | Nitrogen | | |
| | | Evacuation | | |
| | | Fluorescent Leak | | |
| | | | <u>FUEL SURCHARGE</u> | <u>10.00</u> |

CUSTOMER IS C.O.D BUT WILL SEND IN CHECK TO OFFICE. O.K'D BY TERRY

NOTE: TALKED TO CUSTOMER AND FOUND THAT WATER MAIN HAD BROKEN IN STREET. WATER WAS TURNED OFF, CAUSING ICE MACHINE TO SHUT DOWN ON HIGH PRESSURE, BECAUSE MACHINE IS WATER COOLED.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR WHO HAVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO CO-OPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

DATE: 12-30-06
 The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.
 Technician Signature: Steve Benisek
 Customer Signature: Tom Doulo

| | DATE | TECHNICIAN | HOURS | TOTAL MATERIAL |
|---------------------|-----------------|---------------|----------|----------------|
| Possible Follow-up: | | | | <u>10.00</u> |
| Follow-up: | | | | <u>96.00</u> |
| Job Completed: | <u>12-30-06</u> | <u>STEVE</u> | <u>1</u> | <u>48.00</u> |
| Parts Ordered: | | <u>(O.T.)</u> | | <u>154.00</u> |
| Possible Warranty: | | | | <u>8.62</u> |
| Warranty: | | | | |
| P.O. # | | | | <u>162.62</u> |

TERMS: Due upon completion without prior credit approval. CREDIT CUSTOMERS: Finance charge of 1-1/2% will be charged on accounts over 30 days.



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4688



CITY CLERK/TREASURER OFFICE

Paul M. Ziehler
*City Administrative Officer
Clerk/Treasurer*

Rosemary West
*Treasurer's Office Supervisor
Senior Accountant*

Monica Schultz
Assistant City Clerk

414/302-8200
414/302-8207 (Fax)

City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

www.ci.west-allis.wi.us

January 18, 2007

Jim Henry
9141 W. National Ave.
West Allis, WI 53227

Dear Mr. Henry:

This letter acknowledges receipt of your communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

The original document will be submitted to the Common Council at its meeting of February 6, 2007.

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,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/amn

cc: City Attorney



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

Sheryl L. Kuhary
Jeffrey J. Warchol
Cheryl L. Wentland
Assistant City Attorneys

March 26, 2007

Common Council
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

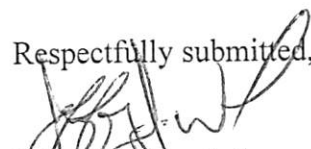
The enclosed claims/lawsuits have been referred to this office in accordance with Section 3.05 (6)(a) of the Revised Municipal Code. This office has examined the facts of each claim/lawsuit and the applicable law. Our Opinion regarding liability is attached to each claim/lawsuit.

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

Judy Hagner (Amount \$20,000,000.00)
(2 claim jackets)

Jim Henry/Jim's Oval Bar (\$557.62)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosure

cc: Thomas E. Mann, CVMIC



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4688



NOTICE OF DISALLOWANCE OF CLAIM

April 4, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Henry
9141 West National Avenue
West Allis, WI 53227

Re: Your Claim Against the City of West Allis
Date of Loss: December 28th, 2006

Dear Mr. Henry:

At its meeting on April 3rd, 2007, the Common Council of the City of West Allis considered your claim received on January 10th, 2007, regarding property damage allegedly sustained at 9141 West National 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.

If you have any further questions on this claim, please feel free to contact the City Attorney's Office at 414-302-8450.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Ziehler".

Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer

PMZ:da
L:\jeff\claims\denialLtrs\ltr-denial-J Henry

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



7525 West Greenfield Avenue
West Allis, Wisconsin 53214-4648



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

April 20, 2007

Jim Henry
9141 W. National Ave.
West Allis, WI 53227

Dear Mr. Henry:

The Public Works Committee will be reviewing your communication as well as the City Attorney's Claim Report on Tuesday, May 1, 2007, regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006. The Chair of the Public Works Committee requested that you be invited to appear at the Public Works meeting to be held during the recess of the Common Council meeting at West Allis City Hall, Room 128, 7525 W. Greenfield Ave., on May 1, 2007 at 7:00 p.m.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
Assistant City Clerk

/ms

cc: Chair Narlock
City Attorney
Director of Public Works
City Engineer



City of West Allis

Master

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: 2007-0052

| | | |
|---|-------------------------|---|
| File Number: 2007-0052 | File Type: Claim | Status: In Committee |
| Version: 1 | Reference: | Controlling Body: Administration & Finance Committee |
| File Name: CLAIM-Jim Henry prop dmge, 9141 W. National Ave., 12-28-2006. | | Introduced: 2/6/2007 |
| Requester: | Cost: | Final Action: |

Title: Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

Sponsors:

Notes:

Funding Source:

Indexes:

Attachments:

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|----------|------------------------------------|-----------|------------------------------------|------------------------------------|-----------|--------------|---------|
| 1 | Claimant | 1/16/2007 | Claim Submitted | | | | |
| 1 | City Clerk | 1/17/2007 | Notification Sent to City Attorney | | | | |
| 1 | Common Council | 2/6/2007 | Referred | City Attorney | | 4/3/2007 | Pass |
| 1 | Common Council | 4/3/2007 | Denied | | | | Pass |
| 1 | Administration & Finance Committee | 4/3/2007 | Recommended for Denial | | | | Pass |
| 1 | City Attorney | 4/3/2007 | Recommendation to Deny | Administration & Finance Committee | | 4/3/2007 | |
| 1 | Common Council | 4/17/2007 | Reconsidered and Referred back | Administration & Finance Committee | | | Pass |
| 1 | Administration & Finance Committee | 4/17/2007 | Referred | Public Works Committee | | 5/1/2007 | Pass |
| 1 | Common Council | 4/17/2007 | Referred | Public Works Committee | | | Pass |
| 1 | Common Council | 5/1/2007 | Referred | Administration & Finance Committee | | | |

1 Public Works Committee 5/1/2007 Referred Administration &
Finance Committee

Action Note: Alderperson Sengstock initiated the discussion stating it was his understanding that somebody from the Water Division had told this property owner to contact a plumber. The property owner had an inch of water in his basement and believed that the problem was his. Because of this belief he contacted a plumber who started to make what he believed were repairs to the system, which in part resulted in the plumber breaking up the basement floor. Once the plumber had started his work he found that he could not stop the water from coming in. Eventually the plumber called the Water Division where it was discovered the cause of the problem was due to a water main break.

Alderperson Sengstock stated that because of these extenuating circumstances he recommended that the city reimburse the owner 50% of the total costs for repairs listed in the owner's claim.

Director of Public Works Mike Pertmer asked to comment and stated that the Water Division never told anybody to call a plumber and, in fact, was not even notified of the problem at this property until after the plumber had initiated an attempted repair and had dug up the basement floor. Mr. Pertmer stated that he could not understand why the plumber would take this action when to make such a repair the water would have had to be turned off at the curb stop prior to the repair and the West Allis Water Division is the only one that is allowed to turn water off and on at these curb stops. This requirement is by Public Service Commission rule and any licensed plumber in West Allis should be well aware of that rule.

He went on to state that when the Water Division's personnel arrived at the scene they quickly determined that the break was in fact on the city's side of the stop and therefore was the responsibility of the City to repair. All property owners that would be affected by the repair were notified that the Division would be shutting down the water main to make the repair. Since this notice was given, Mr. Pertmer saw no reason that the City was in any way responsible for the repair of the ice machine, which apparently was not shut down prior to the water being shut off.

Alderperson Sengstock stated that he continued to believe that there were extenuating circumstances and because of these circumstances made a motion recommending that the property owner be reimbursed for 50% of the claim submitted. Alderperson Dobrowski seconded the motion and the Committee unanimously recommended the item be referred to the Administration and Finance Committee.

21. **R-2007-0101** Resolution authorizing the Director of Development to settle the Economic Development Loans issued in the amounts of \$25,000 and \$50,000 provided to Quest Corporation, d/b/a Graphic Impressions.

Sponsor(s): Administration & Finance Committee

This Matter was Adopted on a Block Vote.

City Attorney Claim Report

22. **2001-0110** Judy Hagner, P.O. Box 340244, West Milwaukee, Notice of Claim-Claim for Injuries, against Michael Kristian and the West Allis, Police Department, allegedly sustained on March 7, 2001.

This Matter was Denied on a Block Vote.

23. **2001-0111** Judy Hagner, P.O. Box 340244, West Milwaukee, Notice of Claim of Injuries, allegedly sustained on March 18, 2001.

This Matter was Denied on a Block Vote.

24. **2007-0052** Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

This Matter was Denied on a Block Vote.

Passed The Block Vote

A motion was made by Ald. Czaplewski, seconded by Ald. Barczak, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Dobrowski, Ald. Kopplin, Ald. Lajsic, Ald. Narlock, Ald. Reinke, Ald. Sengstock, Ald. Vitale and Ald. Weigel
No: 0

PUBLIC WORKS COMMITTEE

20. **R-2007-0093** Resolution relative to accepting the proposal of Milwaukee 2-Way, Inc. for providing radio equipment maintenance contract services for a total net sum of \$20,956.32.

Sponsor(s): Administration & Finance Committee and Public Works Committee

This Matter was Adopted on a Block Vote.

25. **R-2007-0092** Resolution authorizing the Director of Public Works to accept the proposal of Earth Tech to provide consulting services relative to the NR216 Permit compliance requirements for 2007 for a sum not to exceed \$47,752.

Sponsor(s): Public Works Committee

This Matter was Adopted on a Block Vote.

26. **R-2007-0094** Resolution Authorizing the proper City Officials to Execute a Deed Restriction on a part of City-Owned property located at 11301 West Lincoln Avenue.

Sponsor(s): Richard F. Narlock

This Matter was Adopted on a Block Vote.

Upon conclusion of the closed session at 7:28 p.m., Ald. Lajsic moved to reconvene in open session, seconded by Ald. Weigel, to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations or any of the public agenda items that have not been acted upon. The motion passed unanimously.

R-2007-0101 Resolution authorizing the Director of Development to settle the Economic Development Loans issued in the amounts of \$25,000 and \$50,000 provided to Quest Corporation, d/b/a Graphic Impressions.

Sponsor(s): Administration & Finance Committee

A motion was made by Ald. Lajsic, seconded by Ald. Weigel, that this matter be Recommended For Adoption. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Weigel, Ald. Barczak, Ald. Lajsic and Ald. Reinke
No: 0

City Attorney Claim Report

2001-0110 Judy Hagner, P.O. Box 340244, West Milwaukee, Notice of Claim-Claim for Injuries, against Michael Kristian and the West Allis, Police Department, allegedly sustained on March 7, 2001.

This Matter was Recommended for Denial on a Block Vote.

2001-0111 Judy Hagner, P.O. Box 340244, West Milwaukee, Notice of Claim of Injuries, allegedly sustained on March 18, 2001.

This Matter was Recommended for Denial on a Block Vote.

2007-0052 Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

This Matter was Recommended for Denial on a Block Vote.

Passed The Block Vote

A motion was made by Ald. Barczak, seconded by Ald. Weigel, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Weigel, Ald. Barczak, Ald. Lajsic and Ald. Reinke
No: 0

E. ADJOURNMENT

A motion was made by Ald. Lajsic, seconded by Ald. Weigel, to adjourn the meeting at 7:30 p.m. The motion carried unanimously.

J. ITEMS NOT REFERRED TO COMMITTEE

2. **2007-0201** Reports of the Municipal Judge for the months of September and October 2006 and March 2007. Total amount of fines and costs collected in September 2006 was \$79,301.50, \$90,781.93 in October 2006, and \$134,480.23 in March 2007.
This Matter was Placed on File on a Block Vote.
3. **2007-0182** Thomas and Cindy Rutz communication regarding property damage allegedly sustained at 1440 S. 90 St. on April 3, 2007.
This Matter was Referred for Legal Action to the City Attorney on a Block Vote.
4. **2007-0191** Patricia R. Oertel communication regarding vehicle damage allegedly sustained on March 29, 2007.
This Matter was Referred for Legal Action to the City Attorney on a Block Vote.
5. **2007-0193** Mr. and Mrs. David Elertson communication regarding the water bill received in November 2006 for the property at 2342 S. 100 St.
This Matter was Referred for Legal Action to the City Attorney on a Block Vote.

Passed The Block Vote

A motion was made by Ald. Narlock, seconded by Ald. Dobrowski, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 9 - Ald. Czaplewski, Ald. Dobrowski, Ald. Kopplin, Ald. Lajsic, Ald. Narlock, Ald. Reinke, Ald. Sengstock, Ald. Vitale and Ald. Weigel
No: 0

K. STANDING COMMITTEE REPORTS.

None.

L. Motion for reconsideration of the vote that was moved and seconded on April 3, 2007 regarding the following claim:

6. **2007-0052** Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.
A motion was made by Ald. Narlock, seconded by Ald. Lajsic, that this matter be Reconsidered and Referred back to the Administration & Finance Committee. The motion carried unanimously.

M. COMMON COUNCIL RECESS

A motion was made by Ald. Sengstock, seconded by Ald. Reinke, that the Council recess until completion of Committee meetings. The motion carried unanimously.

Thereupon, the Council took a recess at 7:22 p.m. Upon returning from recess at 8:04 p.m., and the roll call being taken, there were:

Present: 9 - Ald. Czaplewski, Ald. Dobrowski, Ald. Kopplin, Ald. Lajsic, Ald. Narlock, Ald. Reinke, Ald. Sengstock, Ald. Vitale and Ald. Weigel
Excused: 1 - Ald. Barczak



City of West Allis Meeting Minutes

7525 W. Greenfield Ave.
West Allis, WI 53214

Administration & Finance Committee

*Aldersperson Michael J. Czaplewski, Chair
Aldersperson Martin J. Weigel, Vice-Chair*

Alderspersons: Gary T. Barczak, Thomas G. Lajsic, Rosalie L. Reinke

Tuesday, April 17, 2007

7:25 PM

West Allis City Hall Room 118

RECESS MEETING

A. CALL TO ORDER

Chair Czaplewski called the meeting to order at 7:25 p.m.

B. ROLL CALL

Present: 4 - Ald. Czaplewski, Ald. Weigel, Ald. Lajsic and Ald. Reinke
Excused: 1 - Ald. Barczak

Others Attending

Paul M. Ziehler, City Administrative Officer; Guests and Media.

C. Motion for reconsideration of the vote that was moved and seconded on April 3, 2007 regarding the following claim:

2007-0052

Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

A motion was made by Ald. Lajsic, seconded by Ald. Reinke, that this matter be Referred to the Public Works Committee. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Weigel, Ald. Lajsic and Ald. Reinke
No: 0

D. NEW AND PREVIOUS MATTERS

O-2007-0010

An Ordinance to amend Ordinance No. 6634 establishing the salary ranges of certain employees in the Executive Service, the Managerial Service, the Deputy Service, and the Confidential, Professional, and Supervisory Service of the City of West Allis for the years 2002-2005 (Finance Supervisor).

Sponsor(s): Administration & Finance Committee

A motion was made by Ald. Lajsic, seconded by Ald. Weigel, that this matter be Recommended for Passage. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Weigel, Ald. Lajsic and Ald. Reinke
No: 0

to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Narlock, Ald. Dobrowski, Ald. Kopplin, Ald. Sengstock and Ald. Vitale
No: 0

18. 2007-0052

Jim Henry communication regarding property damage allegedly sustained at 9141 W. National Ave. on December 28, 2006.

Aldersperson Sengstock initiated the discussion stating it was his understanding that somebody from the Water Division had told this property owner to contact a plumber. The property owner had an inch of water in his basement and believed that the problem was his. Because of this belief he contacted a plumber who started to make what he believed were repairs to the system, which in part resulted in the plumber breaking up the basement floor. Once the plumber had started his work he found that he could not stop the water from coming in. Eventually the plumber called the Water Division where it was discovered the cause of the problem was due to a water main break.

Aldersperson Sengstock stated that because of these extenuating circumstances he recommended that the city reimburse the owner 50% of the total costs for repairs listed in the owner's claim.

Director of Public Works Mike Pertmer asked to comment and stated that the Water Division never told anybody to call a plumber and, in fact, was not even notified of the problem at this property until after the plumber had initiated an attempted repair and had dug up the basement floor. Mr. Pertmer stated that he could not understand why the plumber would take this action when to make such a repair the water would have had to be turned off at the curb stop prior to the repair and the West Allis Water Division is the only one that is allowed to turn water off and on at these curb stops. This requirement is by Public Service Commission rule and any licensed plumber in West Allis should be well aware of that rule.

He went on to state that when the Water Division's personnel arrived at the scene they quickly determined that the break was in fact on the city's side of the stop and therefore was the responsibility of the City to repair. All property owners that would be affected by the repair were notified that the Division would be shutting down the water main to make the repair. Since this notice was given, Mr. Pertmer saw no reason that the City was in any way responsible for the repair of the ice machine, which apparently was not shut down prior to the water being shut off.

Aldersperson Sengstock stated that he continued to believe that there were extenuating circumstances and because of these circumstances made a motion recommending that the property owner be reimbursed for 50% of the claim submitted. Aldersperson Dobrowski seconded the motion and the Committee unanimously recommended the item be referred to the Administration and Finance Committee.

Referred to Administration & Finance Committee

D. ADJOURNMENT

A motion was made to adjourn the meeting at 7:25 p.m. The motion carried.