

10.
13.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0072	Claim	Claim Report
Tim Knapp communication regarding vehicle damage allegedly sustained at the intersection of S 60 St. and W. Greenfield Ave. on January 14, 2009.		
Introduced: 2/3/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 16 2009</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
		Weigel					
		TOTAL		<u>5</u>			

SIGNATURE OF COMMITTEE MEMBER

[Signature]
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 16 2009</u>			Barczak				✓
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		<u>9</u>			<u>1</u>



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

May 28, 2009

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 paid and placed on file:

Farmers Insurance Group, Legal Subrogee of Tim Knapp – Amount \$1,855.19

This is a claim by the claimant's insurance company acting as a legal subrogee for damage that occurred to the claimant's vehicle on January 14th, 2009, at the intersection of West Greenfield Avenue and South 60th Street in the City of West Allis, Wisconsin, when a City-owned vehicle, operated by an on duty City employee, backed into the claimant's vehicle causing damage to the same. The claimant's insurance company paid to have the claimant's vehicle repaired and filed a claim against the City on February 4th, 2009, for reimbursement. The claimant acting alone also filed a claim against the City for the same damages on January 23rd, 2009, prior to getting his insurance company involved in the claim. The claimant's vehicle sustained damages to the hood and front-end as a result of the accident.

Our investigation into this matter indicated that the City employee was primarily negligent for failing to keep a proper lookout when backing up his vehicle. Despite wanting to move out of the way of on coming traffic, the City employee still needs to make sure that no one is behind him when backing up at an intersection. Pursuant to settlement guidelines, the City Attorney's Office paid this claim in the amount stated above.

Based upon the above, it is the recommendation of the City Attorney's Office to place this claim on file.

Respectfully submitted,

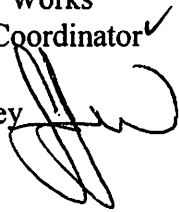

Jeffrey J. Warchol
Assistant City Attorney

JJW:da

MEMORANDUM

RECEIVED
FEB 5 2009
WESTALLIS
CITY ATTORNEY

TO: Michael Pertmer, Director of Public Works
Dave Wepking, Safety & Training Coordinator ✓

FROM: Jeff Warchol, Assistant City Attorney 

DATE: January 29, 2009

SUBJECT: Claim Against the City of West Allis by Tim Knapp

The attached claim has been filed against the City of West Allis. It is requested that you conduct an investigation and provide written advice to this office of your findings and recommendations as to the disposition.

Thank you for your assistance and cooperation.

On 1-14-09 Lor. Copperwolf of the Forestry Division attempted to make a left turn on 60th Street and Greenfield Ave. Employee was in the intersection when the light changed from yellow to red. Employee attempted to back up any vehicle to allow on-coming East bound traffic to get through intersection and struck vehicle behind him, 2001 Ford F450 Truck causing front-end damage and damage to the hood area as well.

JJW:da
Attachment

L:\jeff\claims\memos\Memo-Pertmer & Wepking

attached, please find the West Allis Police Report and photos taken at the scene. Any questions please feel free to call.

Dave Wepking

Tim Knapp
1626 South 60th St
West Allis WI 53214

RECEIVED

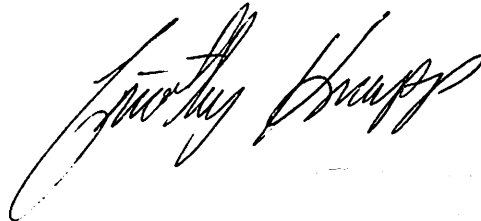
JAN 23 2009

CITY OF WEST ALLIS
CLERK/TREASURER

To whom it may concern;

I am writing this letter on behalf of what happened on January 14th 2009, in which a City of West Allis truck backed into my 2005 Chevy Colorado. I was going north on 60th St at the intersection of 60th and Greenfield Ave. I was attempting to turn left. The West Allis truck was in front of me, traveling the same direction. He was over the crosswalk and was also waiting to turn left. There was no traffic going south and the light was green. The truck just sat in the intersection until the light turned yellow and then red. At that time he put his truck in reverse and backed up in to me. His tail gate was down so it hit first and then ran across my hood until his bumper hit the front of my truck. This caused damage to front of my vehicle as well as a fare amount of damage to the hood. The hood is pushed back and creased upward in the center. The damage is severe enough that both repair facilities I have received estimates from, believe there may be more damage that can't be seen without opening the hood. They refuse to open the hood in fear of not being able to get it closed again.

Along with this letter I have sent my two preliminary estimates like I was instructed to do by David Wepking. I would like to move forward with this matter and get my truck repaired in a timely manner. Please contact me to inform me of my next step in getting this matter taken care of. Thank you.



STUDER BODY & PAINT INC.
 661 S. HAWLEY ROAD
 MILWAUKEE, WISC 53214
 PHONE: 414-259-9935 FAX: 414-259-9391
 FEDERAL TAX ID # 391520510

CD LOG NO 4715-1 DATE 01/14/09

SHOP: STUDER BODY & PAINT INC.
 ADDRESS: 661 SOUTH HAWLEY ROAD
 CITY STATE: MILWAUKEE, WI
 ZIP: 53214-

INSP DATE: 01/14/09
 CONTACT: BOB STUDER
 FAX: (414)259-9391

OWNER: KNAPP, TIM
 ADDRESS: 1626 S 60 ST
 CITY STATE: WEST ALLIS,
 ZIP: 53214

CELL PHONE: (414)418-5514

POINT OF IMPACT: 3

LIC#: C764 924
 BODY COLOR:
 CONDITION:

STATE:

VIN: 1GCDT136958156190
 MILEAGE: 63,111
 ACCTNG CTL#:

*=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

PRELIMINARY ESTIMATE BEFORE TEARDOWN
 HOOD UNABLE TO OPEN

2005 CHEVROLET COLORADO LS 4DOOR CREW CAB 5CYL GASOLINE 3.5
 CODE: U8827A/B OPTNS B/24ABEFGTMNR

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 4-WHEEL DRIVE
 ELEC REMOTE CONTROL MIRRORS
 POWER WINDOWS
 TILT STEERING WHEEL
 CRUISE CONTROL

TWO-STAGE - INTERIOR SURFACES
 WHEEL FLARES
 POWER DOOR LOCKS
 PRIVACY GLASS
 AIR CONDITIONING

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	-----	-----	---	---	-----	---
N	0004		FRONT BUMPER OVERHAUL	ADDNL LABOR OPERA				1.8	1
E	0006	01	COVER, FRONT BUMPER	12335807 GM PART	196.50			INC	1
E	0083		PANEL, HOOD	88944095 GM PART	301.44			0.3	1



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 28, 2009

Mr. Tim Knapp
1626 S. 60 St.
West Allis, WI 53214

Dear Mr. Knapp:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at the intersection of S. 60 St. and W. Greenfield Ave. on January 14, 2009.

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

/amn

cc: City Attorney

2005 CHEVROLET COLORADO LS 4DOOR CREW CAB
 CD LOG NO 4715-1

L	0083	13	PANEL, HOOD	REFINISH			5.9	4
E	0059		HINGE, HOOD PANEL	LT 88980922 GM PART	40.79		1.8	1
L	0059		HINGE, HOOD PANEL	LT REFINISH			0.4	4
E	0060		HINGE, HOOD PANEL	RT 88980923 GM PART	40.00		1.3	1
L	0060		HINGE, HOOD PANEL	RT REFINISH			0.4	4
I	0073		PANEL ASSEMBLY, RAD	SUP REPAIR			3.0	*1
BR	0103		FENDER, FRONT	LT BLEND REFINISH			1.2	4
I	0104		FENDER, FRONT	RT REPAIR			3.0	*1
L	0104		FENDER, FRONT	RT REFINISH			2.3	4
L	M14		CORROSION PROTECTION	REFINISH			0.3	*4*
E	M17		COVER CAR EXTERIOR	NEW PART	5.00*			4*
L	M60		HAZARD. WSTE. REM.	REFINISH	5.00*			1*

15 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		583.73
OTHER PARTS		5.00
PAINT MATERIAL		336.00
PARTS & MATERIAL TOTAL		924.73
TAX ON PARTS & MATERIAL @	5.600%	51.78

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	3.4	7.8	582.40
2-MECH/ELEC	82.00			
3-FRAME	52.00			
4-REFINISH	52.00	10.5		546.00
5-PAINT MATERIAL	32.00			
LABOR TOTAL				1,128.40
TAX ON LABOR		@	5.600%	63.19
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL 2,168.10

NET TOTAL 2,168.10

SHOPLINK UI392 ES CD LOG 4715-1 DATE 01/14/09 09:06:40AM R6.37 CD 12/08
 PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53214
 HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

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

AUTO BODY SPECIALISTS LLC
6024 WEST MITCHELL STREET
WEST ALLIS, WI 53214
PHONE: (414)545-9211 FAX: (414)545-7416
TAX ID: 391922584

CD LOG NO 563-1 DATE 01/19/09

SHOP: AUTO BODY SPECIALISTS LLC INSP DATE: 01/14/09
ADDRESS: 6024 W MITCHELL STREET CONTACT: DAVID JAMBREK
CITY STATE: WEST ALLIS, WI PHONE 1: (414)545-9211
ZIP: 53214- FAX: (414)545-7416
EMAIL: AUTOBODYSPECIALISTS@HOTMAIL.COM

OWNER: KNAPP, TIM FAX: (262)549-8423
ADDRESS: 1626 S 60TH ST
CITY STATE: WEST ALLIS, WI
ZIP: 53214

POINT OF IMPACT: 0

LIC#: 764924 STATE: WI VIN: 1GCDT136958156190
BODY COLOR: BLUE MILEAGE: 63,110
CONDITION: ACCTNG CTL#:

*=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

PRELIMINARY ESTIMATE-VEHICLE NEEDS DISASSEMBLY FOR ACCURATE ESTIMATE

2005 CHEVROLET COLORADO LS 4DOOR CREW CAB 5CYL GASOLINE 3.5
CODE: U8827A/B OPTNS B/24ABEFGTMNR

OPTIONS:
TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE WHEEL FLARES
ELEC REMOTE CONTROL MIRRORS POWER DOOR LOCKS
POWER WINDOWS PRIVACY GLASS
TILT STEERING WHEEL AIR CONDITIONING
CRUISE CONTROL

Table with 6 columns: OP, GDE, MC, DESCRIPTION, MFG. PART NO., PRICE, AJ%, B%, HOURS, R. Rows include UNIBODY-FRAME INC SETU, BUMPER, FRONT, COVER, FRONT BUMPER, and PANEL, FRT BMPR LICENSE.

20C CHEVROLET COLORADO LS 4DOOR CREW CAB
 CD NO 563-1

E 008	PANEL, HOOD	88944095 GM PART	301.44	0.8 1
L 0083 13	PANEL, HOOD	REFINISH		5.9 4
E 0088	LATCH, HOOD PANEL	15870145 GM PART	68.37	0.5 1
I 0073	PANEL ASSEMBLY, RAD SUP	REPAIR		2.0*1
L 0073	PANEL ASSEMBLY, RAD SUP	REFINISH		0.5*4
BR0103	FENDER, FRONT	LT BLEND REFINISH		1.2 4
I 0104	FENDER, FRONT	RT REPAIR		3.0*1
L 0104	FENDER, FRONT	RT REFINISH		2.3 4
RI0009	FLARE, WHEEL OPENING	LT R&I ASSEMBLY		0.3 1
RI0010	FLARE, WHEEL OPENING	RT R&I ASSEMBLY		0.3 1
L M14	CORROSION PROTECTION	REFINISH		0.3*4
N	MASK JAMBS	ADDNL LABOR OPERA		0.7*1*

16 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		934.61
PAINT MATERIAL		326.40
PARTS & MATERIAL TOTAL		1,261.01
TAX ON PARTS & MATERIAL @	5.600%	70.62

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	4.3	7.2	598.00
2-MECH/ELEC	65.00			
3-FRAME	52.00			
4-REFINISH	52.00	10.2		530.40
5-PAINT MATERIAL	32.00			
LABOR TOTAL				1,128.40
TAX ON LABOR		@	5.600%	63.19
SUBLET REPAIRS				
TOWING				
STORAGE				

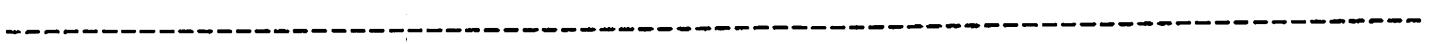
GROSS TOTAL 2,523.22

NET TOTAL 2,523.22

SHOPLINK U1707 ES CD LOG 563-1 DATE 01/19/09 01:23:57PM R6.37 CD 12/08
 PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53214
 HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

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

















OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

June 1, 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.

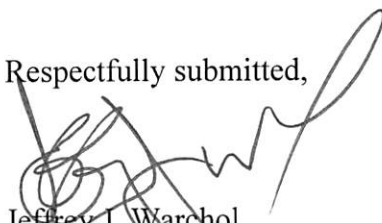
The following claims/lawsuits have been paid and placed on file:

✓ Farmers Insurance Group, Legal Subrogee of Tim Knapp (\$1,855.19)
Progressive Universal Insurance Co., Legal Subrogee of Thomas Pecard (\$5,323.53)

The following claim/lawsuit has been denied:

Edwin and Elizabeth Lund/Husband & Wife (\$Unknown)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC