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29.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0116	Claim	Claim Report
Mark Hyde communication regarding vehicle damage allegedly sustained at W. Washington Street and S. 93rd Street on February 19, 2008.		
Introduced: 3/4/2008		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

Kurt 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	-		



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:

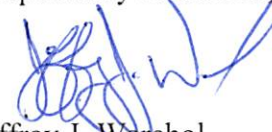
Mark Hyde - Amount: \$722.40

This is a claim for vehicle damage that occurred as a result of the claimant striking a pothole in the road on February 19th, 2008, at South 94th Street and West Washington Street near LaFollette Park in the City of West Allis, WI. The claimant's vehicle allegedly needed a control arm, ball joints and front-end alignment as a result of striking the pothole. The claimant filed a claim against the City on February 26th, 2008, in the amount of \$722.40.

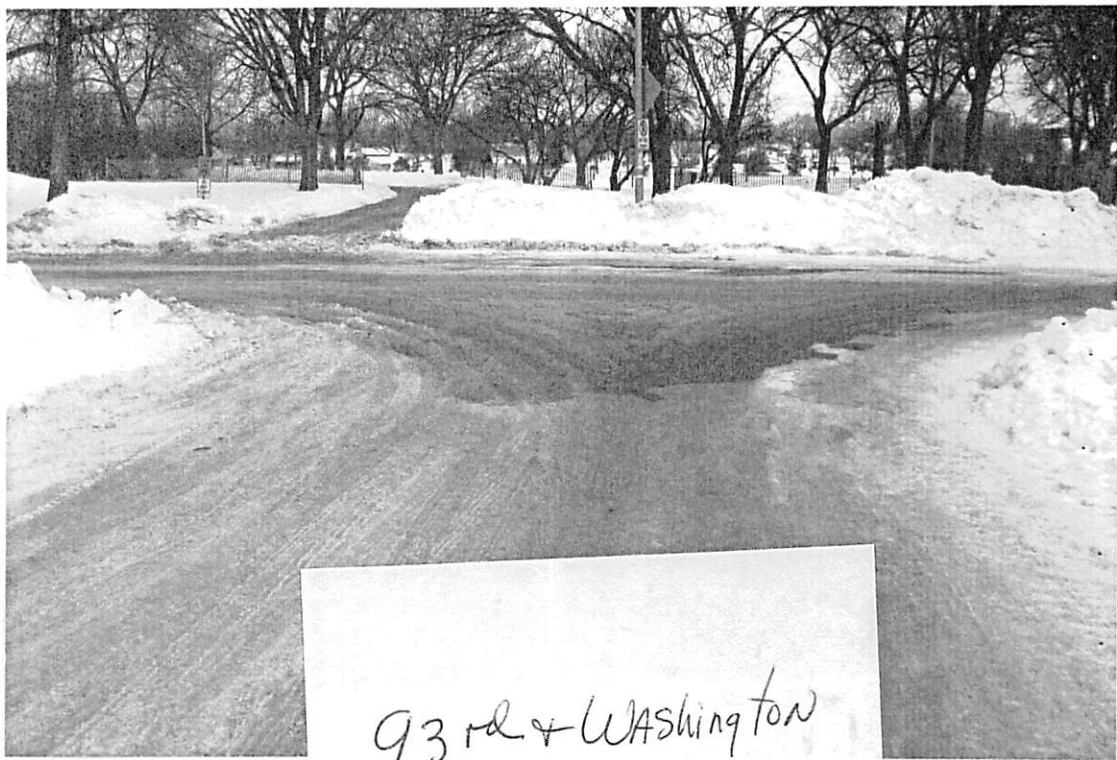
Our investigation into this claim indicated that the City did not have prior knowledge of the pothole prior to it being hit by the claimant. Due to weather conditions, there are an extraordinary amount of potholes this year occurring on streets throughout the City. The Department of Public Works is doing its best to repair potholes as they are discovered. To make matters worse in this case, Milwaukee County deposited a large amount of salt onto the street and driveway approach at LaFollette Park to accommodate the citizens voting that day. This caused a problem in the street, which the City sent a crew to clean up once it was 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.

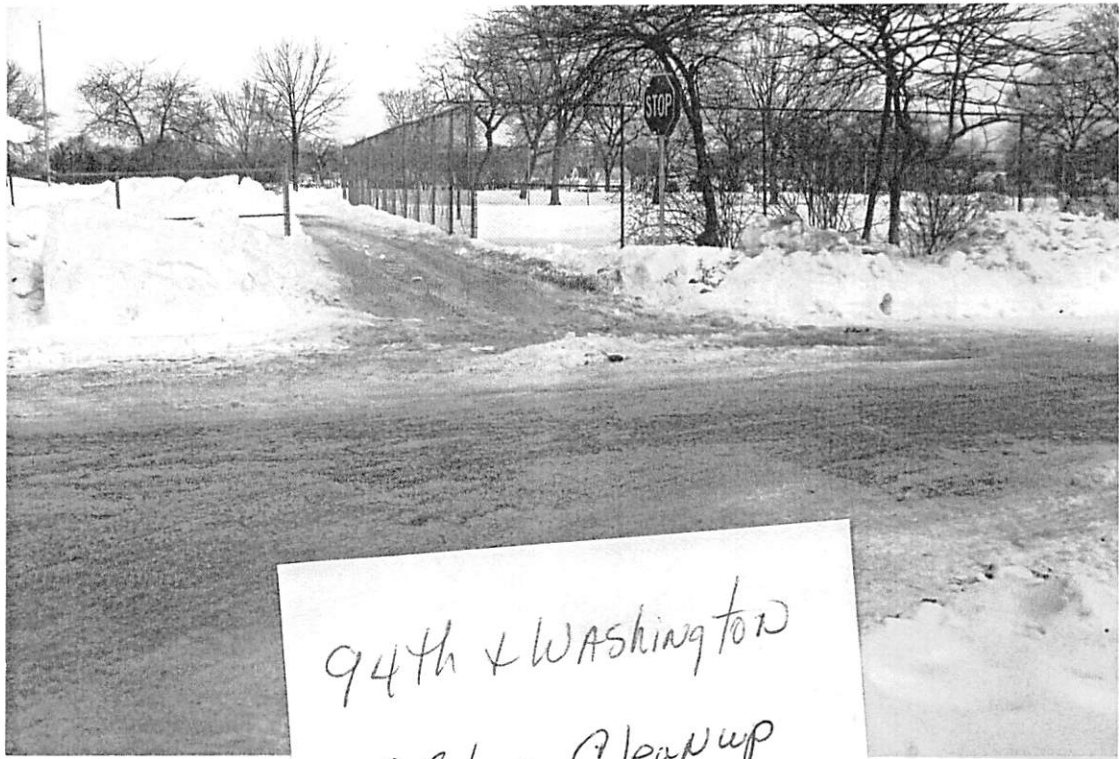
Respectfully submitted,



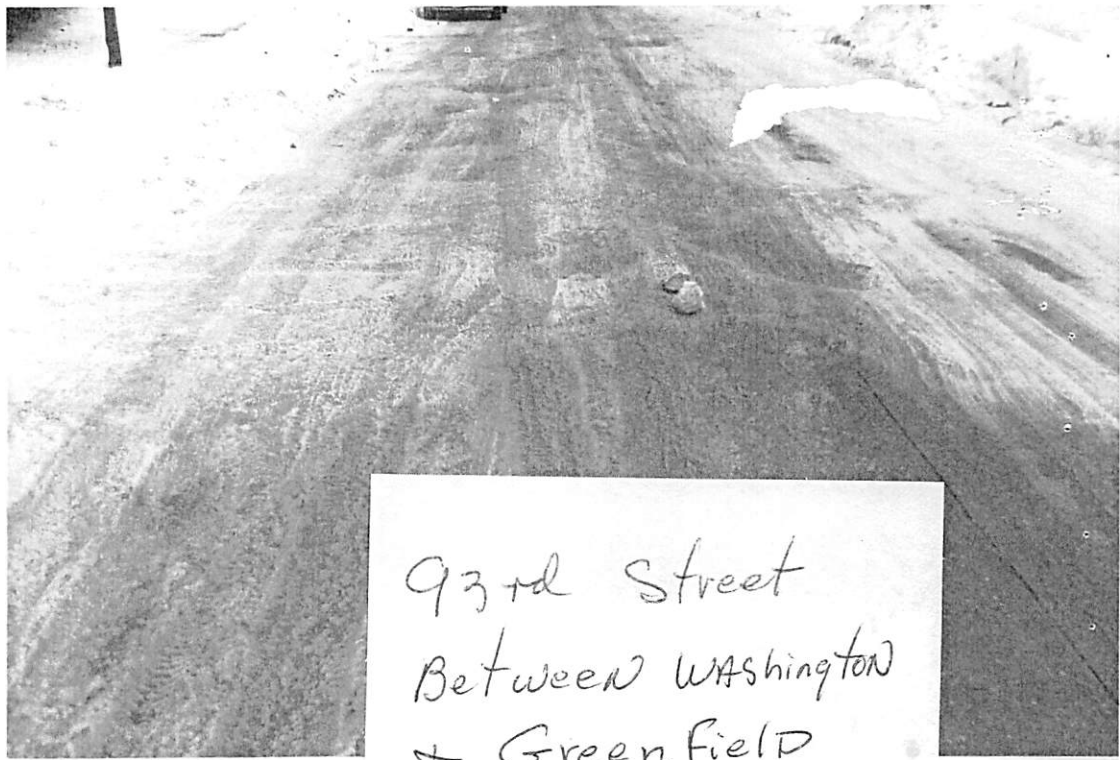
Jeffrey J. Warchol
Assistant City Attorney



93rd + Washington
After Cleanup



94th & Washington
After Cleanup



93rd Street
Between Washington
& Greenfield

To: West Allis Common Council

RECEIVED

FEB 26 2008

CITY OF WEST ALLIS
CLERK/TREASURER

My name is Mark Hyde, I am 71 years old and live in West Allis at 917 South 86 St with my wife Pat.

On Tuesday, February 19, 2008, I drove my sick-up truck to St. Follette Park on 94th and Washington to vote in the presidential primary election. When leaving St. Follette after voting I was driving east on Washington and hit a large pothole in the road while turning south onto 93rd street. (Map & pictures attached) I proceeded south on 93rd street and hit a bad stretch of bumpy, icy road. I then felt the right front of the car drop and a grinding noise started. The upper control arm & ball joints broke causing the wheel to rub on the broken upper control arm. I got the car home and on the driveway where I had Heppe's Service of WI on 84th and Bluemound tow the pickup truck to their garage to be fixed.

The cost to fix my truck was \$722.40.
This includes labor and parts (copies of
bills attached.)

I work part time at Napa Auto
Parts on 79th & Greenfield. I used
my discount to get the parts.

I would appreciate it if the City of
West Allis would re-imburse me
for the cost of these repairs.
At this time, we cannot afford
this unplanned expense.

Thankyou
Mark D. Hyde

Mark Hyde
917 So 86 St
West Allis, WI 53214
414/259-9840

Note:

I Voted At 10:00 AM, So The
Pictures do NOT Show The Conditions
of the two Corners prior to Cleanup.

(X - Pothole)

92nd Street

Pa Follette
Park

Washington

X

93rd Street

1113

1112

94th Street

X

Greenfield Ave.

HEPPE'S SERVICE OF WI, INC.

8235 W. BLUEMOUND RD.

MILWAUKEE WI 53213

414-257-1038

EVERY DAY OIL CHANGE \$26.30

OVER THIRTY YEARS OF FRIENDLY COURTEOUS SERVICE

SERVICE HOURS: M-F 8:00 AM-5:30 PM, SAT 8:00 AM - NOON

2/20/2008 12:02 PM

page 1

Invoice #18670

Day Phone : 259-9840

HYDE, MARK

917 S 86TH

WEST ALLIS WI 53214

Vehicle : 1994 GMC Truck Pickup S15/Scromia 262CI

Tag/State : 274117 / WI

Created : 2/20/2008 11:47:21 AM

Odometer In 128448

Completed: 2/20/2008 12:02:30 PM

Odometer Out 28448

Invoice: 2/20/2008 12:02:30 PM

Labor/Notes

Code/Tech	Description	Price
MH*	2 WHEEL ALIGNMENT	\$64.95
	INSPECT SUSPENSION COMPONENTS/CHECK AND RESET ALIGNMENT ANGLES, WHERE APPLICABLE, ROAD TEST.	
MH*	BRAKE HOSE - R&R	\$34.95
	Includes: Bleed hydraulic system.	
MH*	CONTROL ARM - R&R	\$94.95
	DOES NOT include alignment.	
MH*	BALL JOINT - R&R	\$42.48
	DOES NOT include alignment.	
MH*	TIE ROD END - R&R	\$42.48
MH*	MOUNT AND BALANCE TIRE	\$18.99

Qty	Code/Tech	Description	Condition/Unit Price	Price
1	MH*	15" SIX SLOT ALUMINUM REMANNED RIM	\$224.95	\$224.95
1	MH*	RIGHT SIDE UPPER CONTROL ARM	\$78.95	\$78.95
FROM SALVAGE YARD				

Note: M - Labor Database, Copyright Mitchell International, All Rights Reserved

	Description	Price
	Labor	\$338.80
	Parts	\$301.90
	Sublet/Misc.	\$0.00
	Shop Supplies	\$10.10
	Charges	\$0.00
	Sales Tax	\$36.33
	Tax @ \$648.80 * 5.6000%	\$36.33
	Total Due	\$685.13

Tech

Identification #

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An expires as garagekeeper's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. All Vehicles left over 48 hrs. after repairs are completed WILL INCUR A \$5.00 PER DAY STORAGE FEE. 12 Month or 12,000 Mile Warranty On Repairs.

Customer Signature

Handwritten signature and date: 2/20/08



AUTO PARTS

400008226
West Allis Automotive Supply
7909 W. Greenfield Ave.
414-771-3994 Fax 414-771-4050
West Allis 53214-4527

1404
02/19/2008
Page 1/1

Invoice Number - 372411



300 5
Mark Hyde
917 S. 86 St.
West Allis, WI
53214

Employee: #18 Ben H.
Sales Rep: #41 House A.
Accounting Day: 16

CCR

Part Number	Line	Description	Quantity	Price	Net	Total	
1344		GMC Truck Swivela					
		MRC BALL JNT	(1)	12.49	12.490	12.49	T1
		MRC T RD END	(1)	13.79	13.790	13.79	T1
		TP BRK HOSE	(1)	9.01	9.010	9.01	T1

Delivery:
Attention:
Tax Exemption:
PO Number:
Terms: Net 10th

Subtotal 35.29
Tax 5.6% MILWAUKEE CNTY 1.98

X _____
Customer Signature

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

TOTAL ----->
CHARGE SALE

37.27
37.27

America...
Land of the Free...
...Because of the Brave
Customer Copy



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 27, 2008

Mark Hyde
917 S. 86 St.
West Allis, WI 53214

Dear Mr. Hyde:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at W. Washington Street and S. 93rd Street on February 19, 2008.

The original document will be submitted to the Common Council at its meeting of March 4, 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



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:

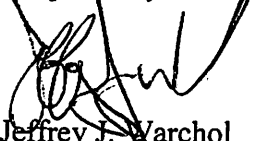
John Hennes (\$700.00)

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

Mr. Mark Hyde
917 South 86th Street
West Allis, WI 53214

Re: Your Claim Against the City of West Allis

Dear Mr. Hyde:

At its meeting on May 6th, 2008 the Common Council of the City of West Allis considered your claim received on February 27th, 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\denial\trs\ltr-denial-M Hyde

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