

47.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0271	Claim	Claim Report
Danielle Bilder communication regarding vehicle damage allegedly sustained on W. Greenfield Ave. between Highway 45 and Highway 100 on February 18, 2008.		
Introduced: 5/6/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUN 03 2008			Barczak				
			Czaplewski				
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
		TOTAL		5	0		

### SIGNATURE OF COMMITTEE MEMBER

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

### COMMON COUNCIL ACTION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUN 03 2008			Barczak	✓			
			Czaplewski	✓			
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
		TOTAL		10	-		



May 19, 2008

OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

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 (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:**

**Danielle Bilder - Amount: \$ 720.22**

This is a claim for damages sustained to the claimant's vehicle when it struck a pothole in the road on February 18<sup>th</sup>, 2008, on Greenfield Avenue between Highway 45/894 and Highway 100 in the City of West Allis. The claimant's car required a new rim and tire as a result of the accident. The claimant obtained an estimate for repair and filed a claim against the City on April 28<sup>th</sup>, 2008.

Our investigation into this claim indicated that the area where the accident occurred, on Greenfield Avenue between Highway 45/894 and Highway 100, is maintained by Milwaukee County as opposed to City of West Allis. Therefore, the claimant has filed her claim with the wrong legal entity, as the City is not liable for any damages sustained by the claimant in this case. The claimant was notified of this issue by a letter from the City Attorney's Office dated May 19<sup>th</sup>, 2008.

Based upon the same, 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

RECEIVED

APR 28 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

April 24, 2008

To whom it may concern,

On February 18, 2008, I hit a pot hole on Greenfield Ave. between Highway 45 and Highway 100, and popped both of the tires on the right hand side of my car and bent both of the rims. There was a thin layer of snow on the ground that night, making the hole very hard to see. However the hole was very large and I am seeking compensation for the cost of the damages. The overall repair was \$752.12 for one rim and four tires. Both rims needed to be replaced but I could only afford to replace one rim due to financial restraints, so I am requesting to be reimbursed for two rims at \$285.12 each, and two tires at \$74.99 each, for a total of \$720.22. I have attached copies of the receipts for all repairs. If you have any questions, please contact me at 414-534-2502. Thank you.

Sincerely,

Danielle Bilder

1422 S. 92<sup>nd</sup> St. Apt. 215  
West Allis, WI 53214

cc: atty



CUST NO.	TAX EXEMPT NUMBER	CUST. P. O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE NO.
646				CASH	BRANDON	02/19/08	340876

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CASH  
 4640 S 27TH ST  
 MILWAUKEE, WI 53221-2104

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P  
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O

DOR

SHIP QTY	B. O. QTY	PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT	
1	0	UN76PAK-AD WHEEL ALUM 22001005	305C00	302.40	270.00	270.00	
						SUBTOTAL	270.00
						TAX	15.12
						FREIGHT PAY THIS AMOUNT	0.00
							<b>285.12</b>

THE SELLER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR THE PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THESE PARTS.

NO REFUNDS WITHOUT THIS INVOICE. 10% HANDLING CHARGE ON ALL ITEMS RETURNED. NO REFUNDS AFTER 30 DAYS. NO RETURNS ON ELECTRICAL PARTS OR SPECIAL ORDER ITEMS.

CUSTOMER COPY

**PARTS INVOICE**

DODGE CITY SOUTH  
 4640 S 27TH ST  
 GREENFIELD, WI 53221

Merchant ID: 8000 Ref #: 0014

**Sale**

XXXXXXXXXXXX1360  
 VISA Entry Method: Swiped  
 Total: \$ 285.12  
 02/19/08 14:56:49  
 Inv #: 000014 Appr Code: 010060  
 Apprvd: Online Batch#: 000051

Customer Copy  
 THANK YOU!

# F & F TIRE WORLD

"SERVING YOU SINCE 1973"



Certified Tire Center

Selection, Value & Service

INVOICE #: 646137

PAGE: 1

TIME STARTED: 15:53:44

TIME CLOSED: 16:08:40

F & F TIRE WORLD  
5030 W. LOOMIS RD.

MILWAUKEE, WI 53221  
414/325-1583

CUSTOMER: MIKE BILDER  
0146N8451 SCHLAFER

MENOMONEE FALLS, WI 53051

HOME: 262/251-8349

VEHICLE: 2004 DODGE NEON

SALESMAN: DANIEL SCHROEDER

LICENSE: 6TAD01

WI RELEASE: 12

COLOR: BLUE

ENGINE: 2.0L LA FI

INVOICE DATE: 02/19/08

DUE: 02/19/08

414  
534 2502

PRODUCT	MECHANIC	QUANTITY	PRICE	EXT.	EXTENSION
35/00R15 847 BFB TRACTION T&D 076551		4	74.99		299.96
TIRE INSTALLATION NO CHARGE * PTIREMT	1189	4			0.00
INCLUDES LIFETIME ROTATION AND FLAT REPAIRS. * ON PURCHASED TIRES. ROAD HAZARD NOT INCLUDED UNLESS LISTED BELOW OR BY MFG.					
LIFETIME BALANCE LABOR * PBALLABOR	1189	4	9.99		39.96
LIFETIME BALANCE PARTS * PBALPARTS	1189	4	4.99		19.96
LIFETIME VALVE STEM * (RUBBER) PVALVE		4	2.00		8.00
MUNK TIRE DISPOSAL 0111		4	3.00		12.00
ROAD HAZARD PROTECTION PLAN * 0065		4	10.00		40.00
LIFETIME OIL & FILTER DISP FEE * PLOF		4			0.00
* OIL & FILTER FOR \$9.99 (House brand) OR \$19.99 FOR PENNZOIL SYNTHETIC BLEND. (most vehicles) DISPOSAL FEE ADDITIONAL. * ON PURCHASED TIRES ONLY.					
CHECK FEAT					
SHOP MATL/SUPPLY SERVICE CHG 0053			25.19		25.19

MERCHANDISE: 367.92  
 LABOR: 39.96  
 OTHER: 37.19  
 SALES TAX: 24.93  
 INVOICE TOTAL: 470.00

ELAN (VISA/MC) 470.00

visa

F AND F TIRE SERVICE  
3030 W LOOMIS RD  
MILWAUKEE, WI 53221  
(414) 325-1583

**Sale**

Merchant ID: 542929802688127

Term ID: LK497702

02/19/08

16:08:34

Batch#: 000512

inv #: 000007

VISA

Entry Method: S

XXXXXXXXXXXX6732

Seq. #: 0007 Appr Code: 61918A

Total: \$ 470.00

**APPROVED**

Customer Copy





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. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

April 28, 2008

Danielle Bilder  
1422 S. 92nd St., Apt. 215  
West Allis, WI 53214

Dear Ms. Bilder:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained on W. Greenfield Ave. between Highway 45 and Highway 100 on February 18, 2008.

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

May 22, 2008

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

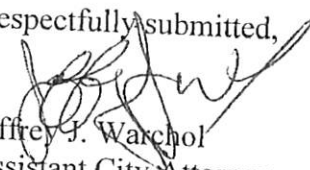
Dear Council Members:

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.

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

Cynthia L. Gutschow by Attorney Robert L. Jackson, Jr. (\$10,000 plus emotional distress)  
Georgia T. Sullivan (\$2,317.13)  
Danielle Bilder (\$ 720.22)  
Nicole Nyhof (\$ 145.68)  
American Family Mutual Insurance/Michael Schrubba by Attorney Michael Gall  
of Duetch & Weiss, LLC, Attorneys-at-Law (\$3,323.89)

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC





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](mailto:pziehler@ci.west-allis.wi.us)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**NOTICE OF DISALLOWANCE OF CLAIM**

June 4, 2008

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

Ms. Danielle Bilder  
1422 South 92<sup>nd</sup> Street  
Apt. 215  
West Allis, WI 53214

Re: Your Claim Against the City of West Allis  
Date of Loss: 2/18/08

Dear Ms. Bilder:

At its meeting on June 3<sup>rd</sup>, 2008, the Common Council of the City of West Allis considered your claim received on April 28<sup>th</sup>, 2008, regarding vehicle damage allegedly sustained at West Greenfield Avenue between Highway 45 and Highway 100, 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

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