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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0222	Claim	Claim Report
	Brillo Home Improvements, Inc. communication regarding property damage at 8712 W. Stuth Avenue in December 2008.	
	Introduced: 4/21/2009	Controlling Body: Administration & Finance Committee

POF

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL 07 2009</u>	<input checked="" type="checkbox"/>		Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock				
		<input checked="" type="checkbox"/>	Reinke				
			Roadt				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION

Placed On File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL 07 2009</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			
			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

June 18, 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:

Brillo Home Improvements Inc. – Amount \$310.00

This is a claim for property damage to the claimant's client's whirlpool tub in December of 2008, when a West Allis electrical inspector, while inspecting the electrical hook-up on a whirlpool tub at the property located at 8712 West Stuth Avenue, West Allis, WI, grabbed the flange to steady himself and snapped it off resulting in property damage to said whirlpool tub. The claimant's contractor filed a claim on April 9th, 2009, for the costs to repair the broken flange.

Our investigation of this claim indicated that the electrical inspector did unintentionally break the flange while attempting to inspect the whirlpool tub. The amount for the repair was reasonable given the circumstances. Pursuant to settlement guidelines, the City Attorney's Office settled this claim in the amount stated above and obtained a Property Damage Only Release signed by the claimant.

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

PROPERTY DAMAGE ONLY RELEASE

KNOW ALL MEN BY THESE PRESENTS that BRILLO HOME IMPROVEMENTS, INC., for and in consideration of Three Hundred Ten and NO/100 Dollars (\$310.00) the receipt whereof is hereby acknowledged, do hereby forever release, acquit and discharge the City of West Allis, Wisconsin, a municipal corporation, its departments, commissions, officials, agents and employees, his, her, its or their successors and assigns and all others directly or indirectly liable, from any and all claims and demands, actions and causes of action, damages, both known and unknown, including future developments thereof, costs, loss of service and compensation on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from that certain accident on or around the first week of December 2008, when a West Allis Electrical Inspector, while inspecting the electrical hook-up on a whirlpool tub at the property located at 8712 W. Stuth Avenue, West Allis, WI, grabbed the flange to steady himself and snapped it off , resulting in property damage to the homeowner's whirlpool tub.

I agree that this settlement is in full compromise of a doubtful and disputed claim both as to the question of liability and damages and that the payment is not to be construed as an admission of liability.

I agree that this is a complete release of property damage only and it is understood and agreed that it doesn't constitute a release for any bodily injury resultant from this accident as there were no bodily injuries as a result of this accident.

I further agree that this release and payment pursuant thereto is not to be construed as a waiver by or an estoppel of any party released to prosecute a claim or action against the undersigned for any damages sustained.

This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. I FURTHER UNDERSTAND THAT I HAVE THE OPPORTUNITY TO DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.

Signed and sealed this 10th day of June, 2009.

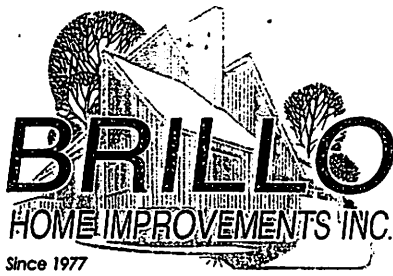
Mattias J. Zacc V.P. BHI
Brillo Home Improvements, Inc.
(Authorized Personnel)

Subscribed and sworn to before me
this 10th day of June, 2009.

Maggie Urvich
(
Notary Public, State of Wisconsin
My Commission Expires: 08/16/09
JJW: da
L/Jeff/Claims/Releases/PD Only-Brillo Home Improv Inc

MAGGIE URVICH
Notary Public
State of Wisconsin

RECEIVED
JUN 15 2009
WEST ALLIS
CITY ATTORNEY



5315 North Lovers Lane Road • Milwaukee, WI 53225
office (414) 442-2230 • fax (414) 442-7478
www.brillohomeimprovements.com

Transforming Your Dreams Into Reality

City of West Allis
Attention: Asst. City Clerk Monica Schultz
7525 W. Greenfield Avenue
West Allis WI 53214

Monday, April 06, 2009

Dear Ms. Schultz,

We are submitting a claim for damages by the Electrical Inspector assigned to the project at the property located at 8712 W. Stuth Avenue.

On or around the first week of December 2008, a West Allis Electrical Inspector performed an inspection at the aforementioned property. While inspecting the electrical hook-up on a whirlpool tub, the inspector grabbed the flange to steady himself and snapped it off. In lieu of replacing the new tub, the homeowners agreed to a repair which was performed by Beautiful Finishes.

To remedy the broken flange, Beautiful Finishes reinforced the broken flange on the right side, reinforced the fiberglass, filled, blended and applied acrylic color and clear coat and polished the surface. The repair took place on December 12, 2008.

Our claim is for the amount to repair the flange as well as our time to expedite the order for a total of \$310.00. I have enclosed photographs of the broken flange.

If you have any questions, or require further information, please do not hesitate to contact me.

Respectfully,

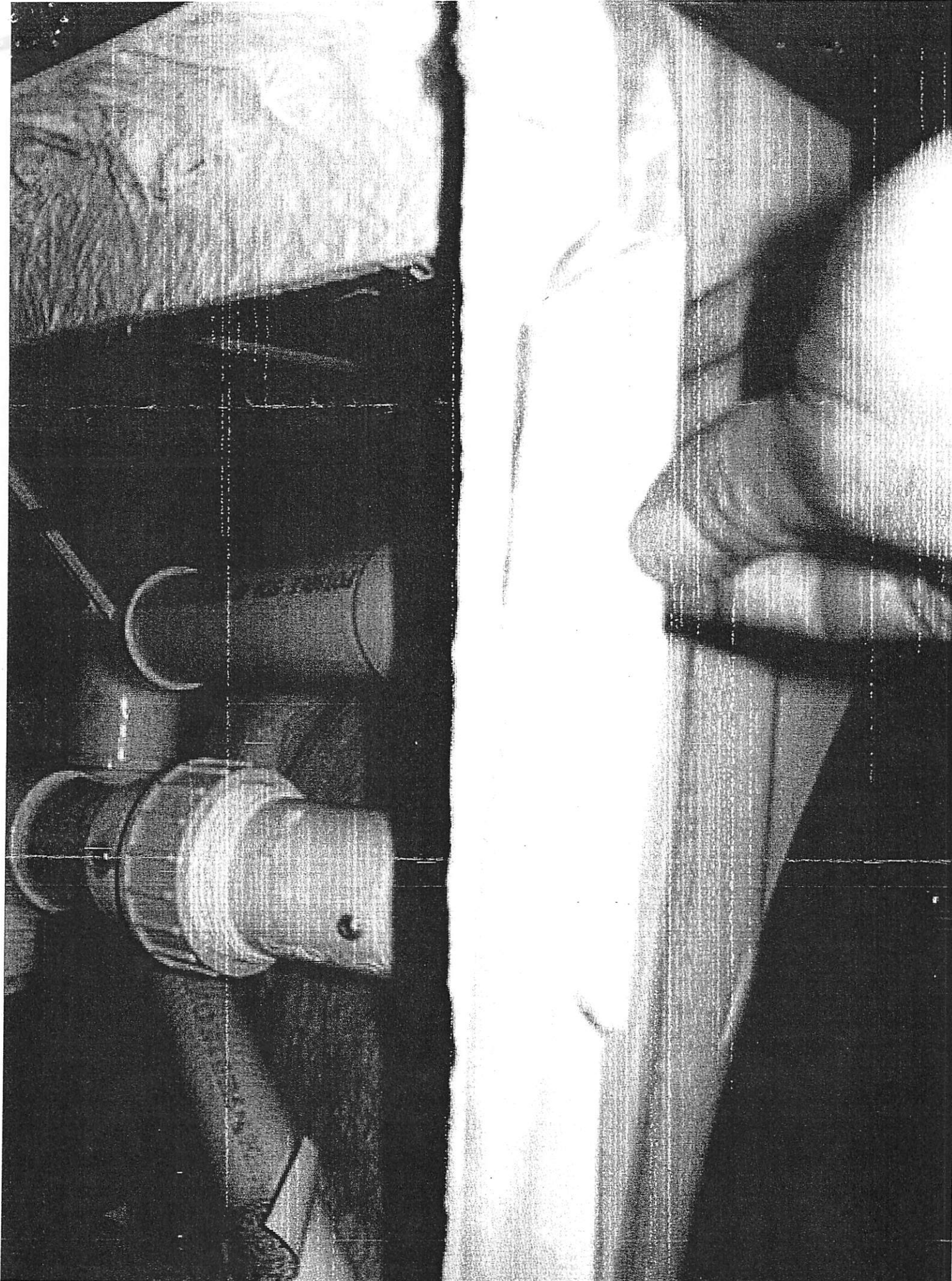
Maggie Jravich
Office Manager

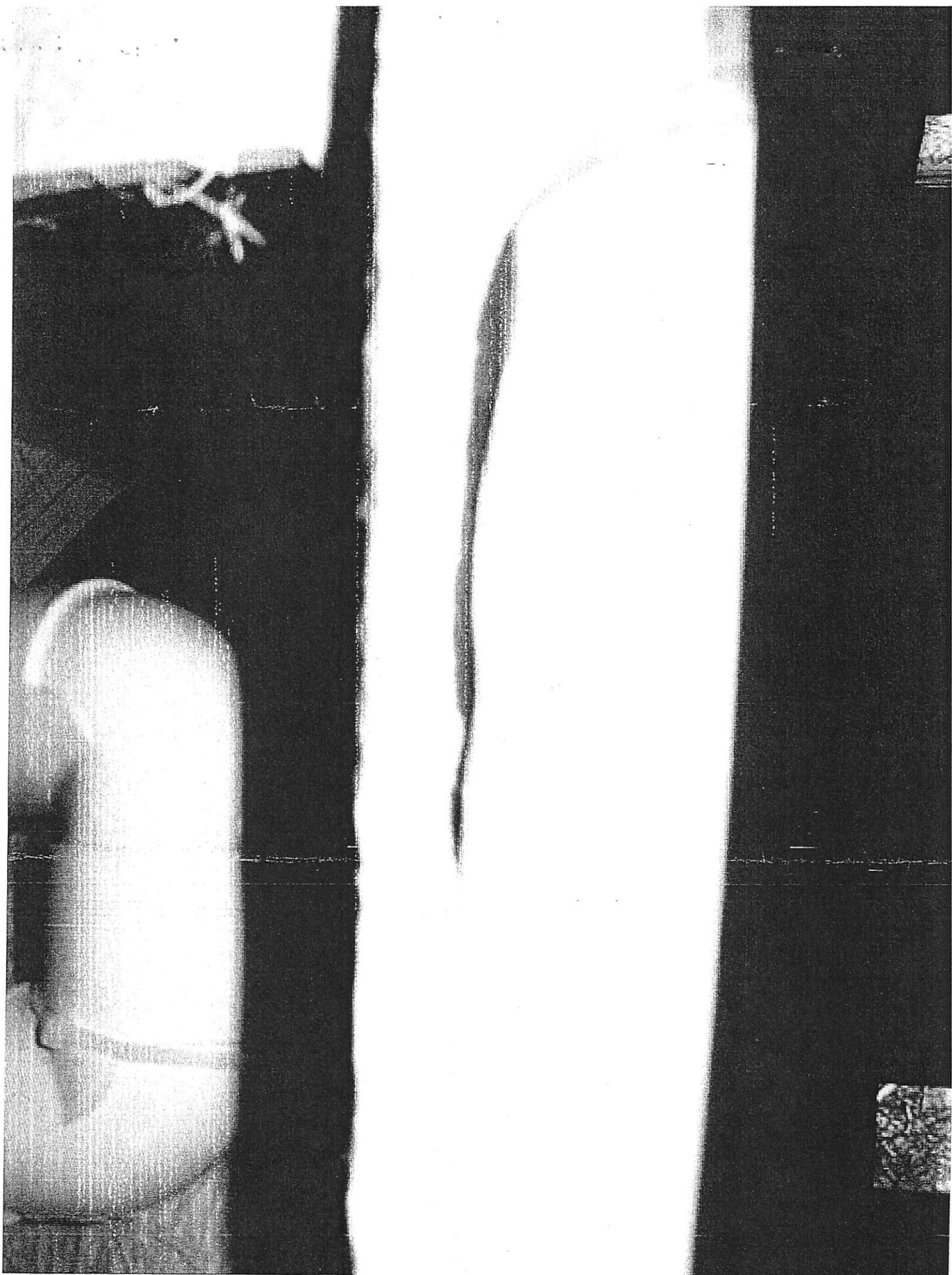
RECEIVED

APR 09 2009

CITY OF WEST ALLIS
CLERK/TREASURER









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 10, 2009

Ms. Maggie Uravich, Office Manager
Brillo Home Improvements, Inc.
5315 N. Lovers Lane Rd.
Milwaukee, WI 53225

Dear Ms. Uravich:

This letter acknowledges receipt of your communication regarding property damage at 8712 W. Stuth Avenue in December 2008.

The original document will be submitted to the Common Council at its meeting of April 21, 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

/jl

cc: City Attorney



City of West Allis

Public Notice

7525 W. Greenfield Ave.
West Allis, WI 53214

To: City Attorney
From: Common Council
Action: Referred
Action Date: Tuesday, April 21, 2009
Due Date:

2009-0222 Brillo Home Improvements, Inc. communication regarding property damage at 8712 W. Stuth Avenue in December 2008.

RECEIVED
APR 22 2009
WEST ALLIS
CITY ATTORNEY



June 8, 2009

OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

Ms. Maggie Uravich
Office Manager
Brillo Home Improvements, Inc.
5315 North Lovers Lane Road
Milwaukee, WI 53225

RE: Property Damage Claim Against the City of West Allis

Dear Ms. Uravich:

Pursuant to our recent telephone discussion, enclosed please find City of West Allis Check No. 75202 in the amount of \$310.00 made payable to Brillo Home Improvements, Inc. as payment in full for the above-referenced matter. I am also enclosing an original and one (1) copy of a Property Damage Only Release for your review. Please have an authorized person of Brillo Home Improvements, Inc. date and sign the Property Damage Only Release before a Notary Public and return the original to my office in the enclosed, self-addressed, stamped envelope. The deposit of the check enclosed herein settles all issues between the City and Brillo Home Improvements, Inc. for the incident referenced herein.

I would appreciate your promptness in having the Property Damage Only Release executed and returned to my office. If you have any questions, please do not hesitate to contact me.

Sincerely,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures
L/Jeff/Claims/Misc Ltrs/Brillo Home Improvements-Rel&Chk

cc: Thomas E. Mann, CVMIC (enc.)

COPY

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Signed and sealed this _____ day of _____, 2009.

Brillo Home Improvements, Inc.
(Authorized Personnel)

Subscribed and sworn to before me
this _____ day of _____, 2009.

(_____)
Notary Public, State of Wisconsin
My Commission Expires: _____
JJW: da
L/Jeff/Claims/Releases/PD Only-Brillo Home Improv Inc



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City of West Allis
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Respectfully,

Maggie Uravich
Office Manager

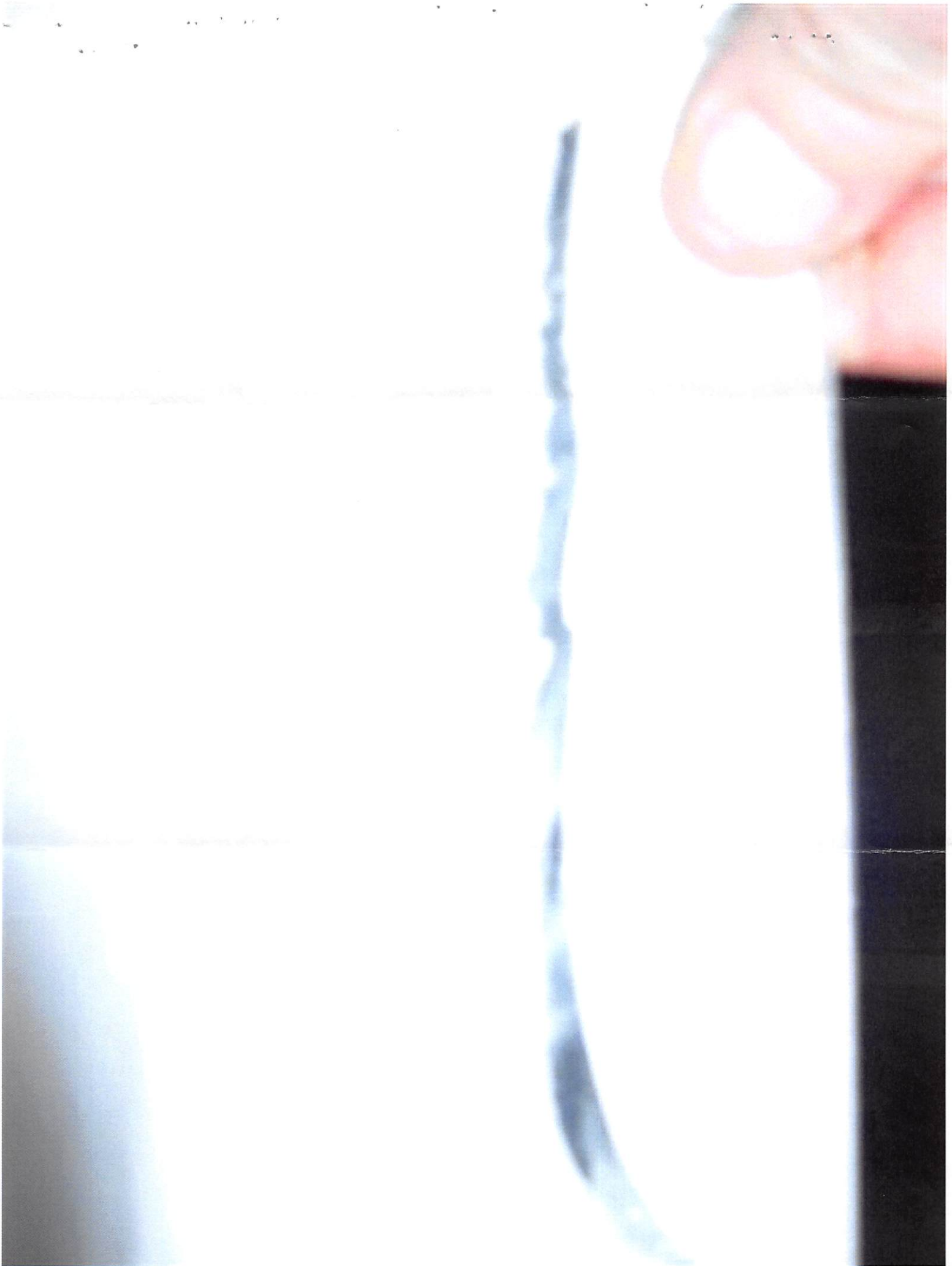
RECEIVED

APR 09 2009

CITY OF WEST ALLIS
CLERK/TREASURER











OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

June 18, 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.

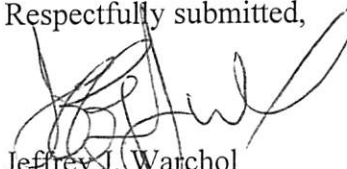
The following claim/lawsuit has been paid and placed on file:

Brillo Home Improvements Inc. (\$310.00)

The following claims/lawsuits have been denied:

Nate Mertens (\$1,000.00/approximately)
Sharon Harris (\$1,000.00)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC