

25.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0545	Claim	Claim Report
Henry Teetz, III communication regarding vehicle damage allegedly sustained at the parking lot near W. Oconto Pl. on July 24, 2008.		
Introduced: 8/5/2008		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 02 2008			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
	X		Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
		X	Vitale	✓			
			Weigel				
			TOTAL	<i>5</i>	<i>0</i>		

SIGNATURE OF COMMITTEE MEMBER

Krist Kopplin

Chair Vice-Chair Member

PLACE ON FILE

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 02 2008		✓	Barczak	✓			
			Czaplewski	✓			
	✓		Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<i>10</i>	<i>-</i>		

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Daniel J. Roadt
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: James W. Sengstock
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ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

August 25, 2008

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:

J.J.W.

It is the recommendation of this office that the following claim be ~~paid~~ and placed on file:

Henry Teetz III- Amount \$249.45

This is a claim for property damage to the claimant's tire on his vehicle, which was punctured beyond repair on July 24th, 2008, at the City of West Allis yards located at 6300 West McGeoch Avenue, West Allis, WI. Allegedly the accident occurred when the claimant was entering the yards off of Oconto Street and ran over stray pieces of chain link fencing material as construction was blocking the entrance from McGeoch Avenue. As a result of the incident, the claimant had to purchase a new tire to replace the existing one, which had approximately 700 miles on it. On July 31st, 2008, the claimant filed a claim against the City in the amount of \$249.45, which was the cost of the new tire.

Our investigation of this claim indicated that the Building and Sign Department was responsible for removing a chain link fence in the area where the incident occurred a few days prior to the incident and failed to adequately clean the area that was blocked off by said fence. Upon examination, the Building and Sign Supervisor found several pieces of chain link fence lying on the ground in the driveway and sidewalk areas. The claimant ran over one of these pieces of fencing thus causing the puncture in the tire. Due to the fact that the City was responsible for removal of the chain link fence, the City admitted liability for this incident.

Based upon the above, the City Attorney's Office paid the claimant the amount of \$249.45 and obtained a Property Damage Only Release signed by the claimant. Therefore, 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 HENRY TEETZ III, for and in consideration of Two Hundred Forty-nine and 45/100 Dollars (\$249.45) 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 damage to a vehicle tire that occurred on or about July 24th, 2008, at the City of West Allis yards when Henry Teetz III drove over a piece of chain link fence that had been taken down at the entrance and punctured a hole in his tire.

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.

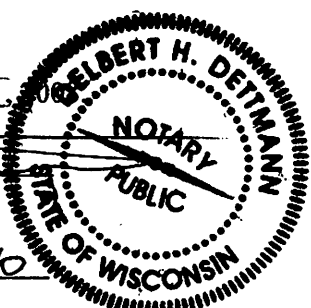
Signed and sealed this 18th day of August, 2008.

Henry L Teetz III
Henry Teetz III

Subscribed and sworn to before me
this 18th day of August

Robert H. Deitman

Notary Public, State of Wisconsin
My Commission Expires: 5/30/2010



RECEIVED

JUL 31 2008

CITY OF WEST ALLIS
CLERK/TREASURER

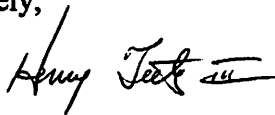
July 28, 2008

To Whom It May Concern,

My name is Henry Teetz III; I am a truck driver for the City of West Allis, Department of Public Works. On Thursday July 24, 2008, during my arrival at work I pulled into the City Yards parking lot via an access drive off of Oconto Street, due to construction going on McGeoch Avenue. In order for us to access our lot a section of the chain link fence had to be taken down. As I drove into the lot I ran over a piece of that chain link fence and punctured a hole in my tire. After putting my spare tire on my truck I took the tire to the dealership, in which I had recently purchased my vehicle, to get the tire fixed. Upon inspection of the tire it was determined it could not be fixed because the hole was too close to the side wall of the tire. Therefore, the only solution was to buy a whole new tire. The tire on my truck was brand new; I have only a little over 700 miles on my new vehicle. After purchasing a new tire I went to work the next day and questioned my supervisor, Bruce Danowski, if there was anything I could do about it. He made a phone call to Tom Harmatys, supervisor of Building and Sign, because he had said that Building and Sign was responsible for taking down that section of fence. As I went to do my job for the day, Mr. Harmatys went to check the area and also looked at my blown tire. Upon inspection of the area, Mr. Harmatys found several pieces of chain link fence lying on the ground in the driveway and sidewalk areas. Also, he had found out that another section of fence was taken down but not by his department but the construction company. Mr. Danowski, my supervisor, told me my next step was to file a claim at City Hall. So, this is why I am writing you this letter in hopes that there is a solution to my problem.

Thank you for your time and I will wait anxiously for your answer. Also, I have the tire and receipts if they are needed. Thank you again.

Sincerely,



Henry Teetz III

Henry Teetz III
2000 S 103rd Ct
West Allis WI 53227
Home Phone: 414 546-9054

July 28, 2008

MEMORANDUM

TO: [Name]

FROM: [Name]

Re: [Subject]

My name is Henry Louis III I am a truck driver for the City of West Virginia Department of Public Works. On Thursday July 24, 2008 during my shift at work I parked into the City Yards parking lot via an access drive off of Coates Street due to construction going on in Coates Avenue. In order for us to access our lot a section of the chain link fence had to be taken down. As I drove into the lot I ran over a piece of that chain link fence and purchased a hole in my tire. After putting my spare tire on my truck I took the tire to the dealership in which I had recently purchased my vehicle to get the tire fixed. Upon inspection of the tire it was determined it could not be fixed because the hole was too close to the side wall of the tire. Therefore the only solution was to buy a whole new tire. The tire on my truck was brand new I have only a little over 1000 miles on my new vehicle. After purchasing a new tire I went to work the next day and purchased my supervisor Bruce Danowski if there was anything I could do about it. He made a phone call to Tom Harnagis, supervisor of Building and Sign, because he had said that Building and Sign was responsible for taking down that section of fence. As I went to do my job for the day, Mr. Harnagis went to check the area and also looked at my blown tire. Upon inspection of the area, Mr. Harnagis found several pieces of chain link fence lying on the ground in the driveway and sidewalk areas. Also, he had found one that another section of fence was taken down but not by his department but by the construction company. Mr. Danowski, my supervisor, told me my next step was to file a claim at City Hall. So this is why I am writing you this letter in hopes that there is a solution to my problem.

I thank you for your time and I will wait anxiously for your answer. Also, I have the tire and receipts if they are needed. Thank you again.

Henry Louis III
 [Signature]
 [Address]

[Faint text at bottom left]

**GRIFFIN'S HUB CHRYSLER
JEEP DODGE**

H4019401

86230

P.O. Box 386
N83W 15474 Appleton Ave.
Menomonee Falls, WI 53052
Phone: (262) 251-8898
Fax: (262) 251-1820
Parts Direct: (262) 253-6399
Service Direct: (262) 253-6398

INVOICE

HENRY L TEETZ III
2000 S 103RD CT
WEST ALLIS, WI 53227
HOME:414-546-9054 BUS:414-302-8800

PAGE 1

SERVICE ADVISOR: 304 JEFF LEHRKE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
CLEARWATER	08	CHRYSLER TOWN & COUN	2A8HR44H28R723309		2588/2588	T783	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
27MAR08 IS							
27MAR08 DD			WAIT 24JUL08			CASH	24JUL08
R.O. OPENED	READY	OPTIONS:					
14:21 24JUL08	16:13 24JUL08	STK:8GL104 DLR:06761 TRN:AUTO					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A CHANGE OIL AND OIL FILTER, CHASSIS LUBE (IF EQUIPPED) 01

CAUSE: MAINTENANCE

LOF CHANGE OIL AND OIL FILTER, CHASSIS LUBE (IF EQUIPPED) 01

241 IFSN

1 4105409AC FILTER-ENGINE OIL

5 68026603AA OIL

HZ1 HAZARDOUS WASTE FEE

241 IFSN

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

2588 MAINTENANCE

B INSPECT TIRES, FLUID LEVELS, BELTS, HOSES, FILTERS, LEAKS, BLADES, BULBS

CAUSE: FREE INSPECTION

9016 INSPECT TIRES, FLUID LEVELS, BELTS, HOSES, FILTERS, LEAKS, BLADES, BULBS

241 CD

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00

C GET A PRICE ON A NEW TIRE

CAUSE: MOUNT AND BAL 1 NEW TIRE

MISC MOUNT AND BAL 1 NEW TIRE

241 CD

1 403934169 P275/60R20

1 274288 STEM

PARTS: 214.25 LABOR: 22.00 OTHER: 0.00 TOTAL LINE C: 236.25

2588 MOUNT AND BAL 1 NEW TIRE

CUSTOMER PAY SHOP CHARGE FOR REPAIR ORDER

1.10

WARRANTY INFORMATION		STATEMENT OF DISCLAIMER	DESCRIPTION	TOTALS
<p>All new parts on the face side hereof are covered by a manufacturer's warranty, copies of which are available through the selling dealer. There are no other warranties applicable to the parts or service furnished in the repair. The dealer is not party to any such manufacturer's warranty.</p> <p>ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.</p>		<p>THE DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR THE PARTICULAR PURPOSE, AND THE SELLER NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THESE PARTS AND OR SERVICE. BUYER SHALL NOT BE ENTITLED TO RECOVER FROM THE SELLING DEALER ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFITS, OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.</p>	LABOR AMOUNT	22.00
			PARTS AMOUNT	214.25
			GAS, OIL, LUBE	0.00
			SUBLET AMOUNT	0.00
			SUPPLIES / RECYCLE FEE	1.10
			TOTAL CHARGES	237.35
			LESS INSURANCE	0.00
			SALES TAX	12.10
			PLEASE PAY THIS AMOUNT	249.45
			(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)	CUSTOMER SIGNATURE

"Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911."

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

August 1, 2008

Henry Teetz, III
2000 S. 103 Ct.
West Allis, WI 53227

Dear Mr. Teetz:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at the parking lot near W. Oconto Pl. on July 24, 2008.

The original document will be submitted to the Common Council at its meeting of August 5, 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,

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
Jenna R. Merten
Assistant City Attorneys

August 26, 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 claims/lawsuits have been paid and placed on file:

Janet Lomonte (\$200.00)
Henry Teetz III (\$249.45)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC