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27



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0490	Claim	Claim Report
Colleen Deverey communication regarding property damage allegedly sustained on June 7, 2008 at 7742 W. Rogers St.		
Introduced: 7/1/2008		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 05 2008</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narloek	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt				
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
		Weigel					
TOTAL				<u>4</u>	<u>-</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Chair _____ Vice-Chair *Vincent Vitale* Member _____

COMMON COUNCIL ACTION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 05 2008</u>	<input type="checkbox"/>	<input type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Narloek	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
		Weigel	<input checked="" type="checkbox"/>				
TOTAL				<u>8</u>	<u>-</u>		<u>2</u>



July 28, 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:

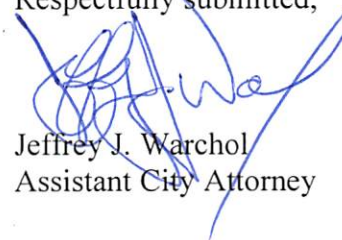
Colleen Devereey - Amount: \$10,748.21

This is a claim for property damage and restoration services to the claimant's basement/rec room at 7742 West Rogers Street, West Allis, WI on or about June 8th, 2008, when the claimant had approximately ten (10) inches of water in her basement from an alleged sewer backup. The claimant did not have insurance to cover said water damage. The claimant hired a contractor to perform restoration/cleaning services and filed a claim against the City on June 25th, 2008, for a "faulty" sewer system.

Our investigation into this claim revealed that the interceptor sewer maintained by MMSD became overloaded on the day in question from the unusual amount of rain in the area. This overloading prevented the interceptor sewer from properly discharging, which in turn, caused the City's system to become overloaded resulting in flooding in many areas throughout the City. The investigation further indicated that sewer systems are simply not designed to handle the extreme amount of water flow that occurred in this area from the rains in June of 2008. Although the rains have caused a great deal of stress and flooding for many people in the area, no negligence can be attributed to the City for this true act of God.

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 Claims Statute 893.80.

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da



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

June 25, 2008

Ms. Colleen Devereay
7742 W. Rogers St.
West Allis, WI 53219

Dear Ms. Devereay

This letter acknowledges receipt of your communication regarding property damage allegedly sustained on June 7, 2008 at 7742 West Rogers Street.

The original document will be submitted to the Common Council at its meeting of July 1, 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

/jml

cc: City Attorney

I had 10 inches of
Sewer in my basement.
It happened on 6/7/08.
I do not have insurance
to cover the damage.
I feel that this is
the city responsibility
to reimburse me due
to the faulty sewer
system.

Thank you
Colleen
Jenny

I live at
7742 W Rogers St
West Allis WI
53219

262-424-3144

RECEIVED

JUN 25 2008

CITY OF WEST ALLIS
CLERK/TREASURER



Paul Davis Restoration & Remodeling

2000 South 4th St. Milwaukee, WI 53204
PH: (414) 383-3131
PH: (800) 954-2215
Fax: (414) 383-3353
Fed ID #39-1662830

Insured: Colleen Devery
Property: 7742 W Rogers St.
West Allis, WI

Home: (262) 424-3144

Claim Number:	Policy Number:	Type of Loss:	
Coverage		Deductible	Policy Limit
Dwelling		\$0.00	\$0.00
Other Structures		\$0.00	\$0.00
Contents		\$0.00	\$0.00

Date Contacted: 6/8/2008

Date of Loss: 6/8/2008

Date Inspected:

Date Received: 6/8/2008

Date Entered: 6/24/2008 5:30 AM

Price List: WIMW5B8B_SEWI
Restoration/Service/Remodel
Estimate: DEVERY

The following is our estimate to provide mitigation and reconstruction services for repairs at the above referenced property.



Paul Davis Restoration & Remodeling

2000 South 4th St. Milwaukee, WI 53204
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DEVERY

Laundry Room

LxWxH 11' x 9' 4" x 8'

DESCRIPTION	QNTY	UNIT COST	TOTAL
Clean concrete on the floor	102.67 SF @	0.17 =	17.45
Apply anti-microbial agent	184.00 SF @	0.17 =	31.28
Clean masonry	81.33 SF @	0.31 =	25.21
Seal block with masonry sealer	162.67 SF @	0.49 =	79.71
R&R T & G paneling - knotty pine paneling (unfinished)	162.67 SF @	3.84 =	624.65
Seal & paint paneling	162.67 SF @	0.61 =	99.23
R&R Interior door - lauan/mahogany - pre-hung unit	1.00 EA @	132.68 =	132.68
Paint door/window trim & jamb - 2 coats (per side)	2.00 EA @	16.07 =	32.14
Interior plaster repair - Minimum charge (area below stairs)	1.00 EA @	295.01 =	295.01
Paint door slab only - 2 coats (per side)	2.00 EA @	16.12 =	32.24
Detach & Reset Washer - Top-loading	1.00 EA @	32.01 =	32.01
Detach & Reset Dryer - Gas	1.00 EA @	33.43 =	33.43
Door knob - interior	1.00 EA @	37.52 =	37.52

Storage Area/Room

LxWxH 14' x 11' 6" x 8'

DESCRIPTION	QNTY	UNIT COST	TOTAL
Clean concrete on the floor	161.00 SF @	0.17 =	27.37
Apply anti-microbial agent	263.00 SF @	0.17 =	44.71
Clean masonry	102.00 SF @	0.31 =	31.62
Seal block with masonry sealer	204.00 SF @	0.49 =	99.96
Seal & paint paneling	65.33 SF @	0.61 =	39.85
Contents - move out then reset	1.00 EA @	40.01 =	40.01

Rec Room

LxWxH 14' 2" x 10' 6" x 6' 9"

Missing Wall: 1 - 4'0" X 6'9" Opens into Exterior

Goes to Floor/Ceiling

Subroom 1: offset

LxWxH 4' x 2' 9" x 6' 9"

DESCRIPTION	QNTY	UNIT COST	TOTAL
Tear out wet non-salvageable carpet, cut & bag for disp.	159.75 SF @	0.31 =	49.52
Clean concrete on the floor	159.75 SF @	0.17 =	27.16
Apply anti-microbial agent	277.42 SF @	0.17 =	47.16
Remove Carpet	159.75 SF @	0.17 =	27.16

DEVERY

6/25/2008

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CONTINUED - Rec Room

DESCRIPTION	QNTY	UNIT COST	TOTAL
Carpet	183.71 SF @	3.10 =	569.50
15 % waste added for Carpet.			
Tear out wet drywall, cleanup, bag for disposal	58.83 SF @	0.58 =	34.12
Tear out and bag wet insulation	29.42 SF @	0.39 =	11.47
Clean with pressure/chemical spray	218.58 SF @	0.22 =	48.09
Drywall Installer / Finisher - per hour	8.00 HR @	56.08 =	448.64
DRYWALL - materials	1.00 EA @	75.00 =	75.00
Seal then paint the walls twice (3 coats)	397.13 SF @	0.72 =	285.93
Finish Carpenter - per hour to detach and reset casings as necessary	1.00 HR @	53.27 =	53.27
Clean masonry	99.28 SF @	0.31 =	30.78
Seal block with masonry sealer	198.56 SF @	0.49 =	97.29
Paint door/window trim & jamb - 2 coats (per side)	2.00 EA @	16.07 =	32.14
Contents - move out then reset	1.00 EA @	40.01 =	40.01
Baseboard - Detach	58.83 LF @	0.48 =	28.24
Baseboard - 2 1/4" stain grade	58.83 LF @	2.42 =	142.37

Finished Storage

LxWxH 11' x 11' x 6' 9"

DESCRIPTION	QNTY	UNIT COST	TOTAL
Tear out wet non-salvageable carpet, cut & bag for disp.	121.00 SF @	0.31 =	37.51
Clean concrete on the floor	121.00 SF @	0.17 =	20.57
Apply anti-microbial agent	209.00 SF @	0.17 =	35.53
Remove Carpet	121.00 SF @	0.17 =	20.57
Carpet	139.15 SF @	3.10 =	431.37
15 % waste added for Carpet.			
Tear out wet drywall, cleanup, bag for disposal	44.00 SF @	0.58 =	25.52
Tear out and bag wet insulation	22.00 SF @	0.39 =	8.58
Clean with pressure/chemical spray	165.00 SF @	0.22 =	36.30
Drywall Installer / Finisher - per hour	8.00 HR @	56.08 =	448.64
DRYWALL - materials	1.00 EA @	75.00 =	75.00
Seal then paint the walls twice (3 coats)	297.00 SF @	0.72 =	213.84
Clean masonry	74.25 SF @	0.31 =	23.02
Seal block with masonry sealer	148.50 SF @	0.49 =	72.77

DEVERY

6/25/2008

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Paul Davis Restoration & Remodeling

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CONTINUED - Finished Storage

DESCRIPTION	QNTY	UNIT COST	TOTAL
Paint door/window trim & jamb - 2 coats (per side)	1.00 EA @	16.07 =	16.07
Contents - move out then reset	1.00 EA @	40.01 =	40.01
Baseboard - Detach	44.00 LF @	0.48 =	21.12
Baseboard - 2 1/4" stain grade	44.00 LF @	2.42 =	106.48

Laun. Chute Area

LxWxH 11' x 4' 4" x 8'

DESCRIPTION	QNTY	UNIT COST	TOTAL
Tear out wet non-salvageable carpet, cut & bag for disp.	47.67 SF @	0.31 =	14.78
Clean concrete on the floor	47.67 SF @	0.17 =	8.10
Apply anti-microbial agent	109.00 SF @	0.17 =	18.53
Tear out wet drywall, cleanup, bag for disposal	30.67 SF @	0.58 =	17.79
Tear out and bag wet insulation	15.33 SF @	0.39 =	5.98
Clean with pressure/chemical spray	78.33 SF @	0.22 =	17.23
Drywall Installer / Finisher - per hour	8.00 HR @	56.08 =	448.64
DRYWALL - materials	1.00 EA @	75.00 =	75.00
Seal then paint the walls twice (3 coats)	245.33 SF @	0.72 =	176.64
Clean masonry	61.33 SF @	0.31 =	19.01
Seal block with masonry sealer	122.67 SF @	0.49 =	60.11
Paint door/window trim & jamb - 2 coats (per side)	1.00 EA @	16.07 =	16.07
Contents - move out then reset	1.00 EA @	40.01 =	40.01

Stairway

Formula Stairway 10' x 4' x 8'

DESCRIPTION	QNTY	UNIT COST	TOTAL
Clean floor	60.00 SF @	0.24 =	14.40
Tear out non-salvageable vinyl, cut & bag for disposal	60.00 SF @	0.69 =	41.40
Vinyl floor covering (sheet goods)	60.00 SF @	3.48 =	208.80
Step charge for vinyl installation	11.00 EA @	12.25 =	134.75
Clean stair stringer - per side	44.00 LF @	0.47 =	20.68



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Miscellaneous

DESCRIPTION	QNTY	UNIT COST	TOTAL
R&R Water heater - 40 gallon - 12 yr	1.00 EA @	786.02 =	786.02
HEAT, VENT & AIR CONDITIONING - clean and service furnace - includes filter change and duct cleaning	1.00 EA @	550.00 =	550.00
Haul debris - per pickup truck load - including dump fees	1.00 EA @	101.08 =	101.08
Cleaning Technician - incl. cleaning agent - per hour	8.00 HR @	26.30 =	210.40

Adjustments for Base Service Charges

	Adjustment
Carpenter - Finish, Trim/Cabinet	106.54
Flooring Installer	117.46
Plumber	172.00
Painter	80.94

Total Adjustments for Base Service Charges: 476.94

Line Item Totals: DEVERY 8,899.19

Grand Total Areas:

1,942.29 SF Walls	632.08 SF Ceiling	2,574.37 SF Walls and Ceiling
814.42 SF Floor	90.49 SY Flooring	258.27 LF Floor Perimeter
484.88 SF Long Wall	365.02 SF Short Wall	253.17 LF Ceil. Perimeter
0.00 Floor Area	0.00 Total Area	0.00 Interior Wall Area
0.00 Exterior Wall Area	0.00 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	



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Summary for Dwelling

Line Item Total				8,422.25
Total Adjustments for Base Service Charges				476.94
Subtotal				<hr/>
Overhead	@	10.0% x	8,899.19	8,899.19
Profit	@	10.0% x	8,899.19	889.92
Sales Tax	@	5.600% x	1,235.33	889.92
				69.18
Replacement Cost Value				<hr/>
Net Claim				\$10,748.21
				<hr/> <hr/> \$10,748.21



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

July 28, 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:

Carla and Kristine Granneman (\$1,525.00)

The following claims/lawsuits have been denied:

Colleen Devereey (\$10,748.21)
John Gardner (\$5,571.60)
Terrence and Jane Donaldson (\$1,000.00)

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

www.ci.west-allis.wi.us

NOTICE OF DISALLOWANCE OF CLAIM

August 6, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Colleen Devereay
7742 West Rogers Street
West Allis, WI 53219

Re: Your Claim Against the City of West Allis
Date of Loss: 6/7/08

Dear Ms. Devereay:

At its meeting on August 5th, 2008, the Common Council of the City of West Allis considered your claim received on June 27th, 2008, regarding property damage allegedly sustained at 7742 West Rogers Street, 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. Ziehler
City Administrative Officer
Clerk/Treasurer

PMZ:da

L:\jeff\claims\denialLtrs\ltr-denial-C Devereay

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