

24.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0528	Claim	Claim Report
Robert & Sharon Jerominski communication regarding property damage allegedly sustained on June 9, 2008 at 8742 W. McMyron St.		
Introduced: 8/5/2008		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:
SEP 02 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak				
		Czaplewski				
		Kopplin	✓			
		Lajsic	✓			
X		Narlock	✓			
		Reinke	✓			
		Roadt				
		Sengstock				
	X	Vitale	✓			
		Weigel				
TOTAL			5	0		

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin

Chair Vice-Chair Member

COMMON COUNCIL ACTION

Denied

ACTION DATE:
SEP 02 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
	✓	Barczak	✓			
		Czaplewski	✓			
✓		Kopplin	✓			
		Lajsic	✓			
		Narlock	✓			
		Reinke	✓			
		Roadt	✓			
		Sengstock	✓			
		Vitale	✓			
		Weigel	✓			
TOTAL			10	-		

**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
Gary T. Barczak
Daniel J. Roadt
Martin J. Weigel

ADVISORY

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



August 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:

Robert and Sharon Jerominski - Amount: \$128.00

This is a claim for damage to a front picture window at 8742 West McMyron Street in the City of West Allis on June 9th, 2008, when a City-owned tree was knocked down due to a storm on June 7th, 2008. The tree was lying across the road, which prompted a City crew to cut up and remove the tree between June 7th and June 9th, 2008. At some point after the City crew left the scene on June 9th, 2008, the claimants noticed that their front picture window was broken and felt that the City crew did the damage when removing the tree. The claimants had the window repaired and filed a claim against the City on July 22nd, 2008.

Our investigation into this claim indicated that the tree, which had fallen from the storm, as well as the crew who had performed the clean-up work were nowhere near the claimants' front window at any time. The pictures submitted by the claimants of the break in the window look like that of a ball or some kind of round object. No member of the City's crew knows anything about this incident other than being told by the claimants that the window was broken. The claimants did not see the window break as a result of the work performed by the crew; rather, the claimants are assigning blame simply because the tree fell and the City crew was in the area around the time the window was broken. There simply is no proof whatsoever that the City did any damage in this case.

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

July 28, 2008

Robert & Sharon Jerominski
8742 W. McMyron St.
West Allis, WI 53214

Dear Mr. & Mrs. Jerominski:

This letter acknowledges receipt of your communication regarding property damage allegedly sustained on June 9, 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,

Monica Schultz
Assistant City Clerk

/amn

cc: City Attorney

RECEIVED

JUL 22 2008

CITY OF WEST ALLIS
CLERK/TREASURER

June 12th 2008

City of West Allis
Forestry Dept.

To Whom It May Concern:

On June 7, 2008, during the big storm, the tree on front of our house must have gotten hit by lightning, and part of it was laying across the road. The city was soon there to cut it. On the morning of June 9, 2008, the city came and cut down the rest of the tree, and my front window was broken. We believe this is the citys fault, and should be paid for by the city.

Thank you,

Robert and Sharon Jerominski
8742 Wst Mcmyron Street
West Allis, Wi. 53214

Enclosed please find the estimate to fix the window.

Sharon Jerominski
Robt. A. Jerominski

8701 W. McMillan St
Apt 2
Arlington, VA 22204

No.

INVOICE DATE	JUNE 24 2008
ORDER NO.	
ORDER REFERENCE	

SHIP TO	
SHIP FROM	8701 W. McMillan St

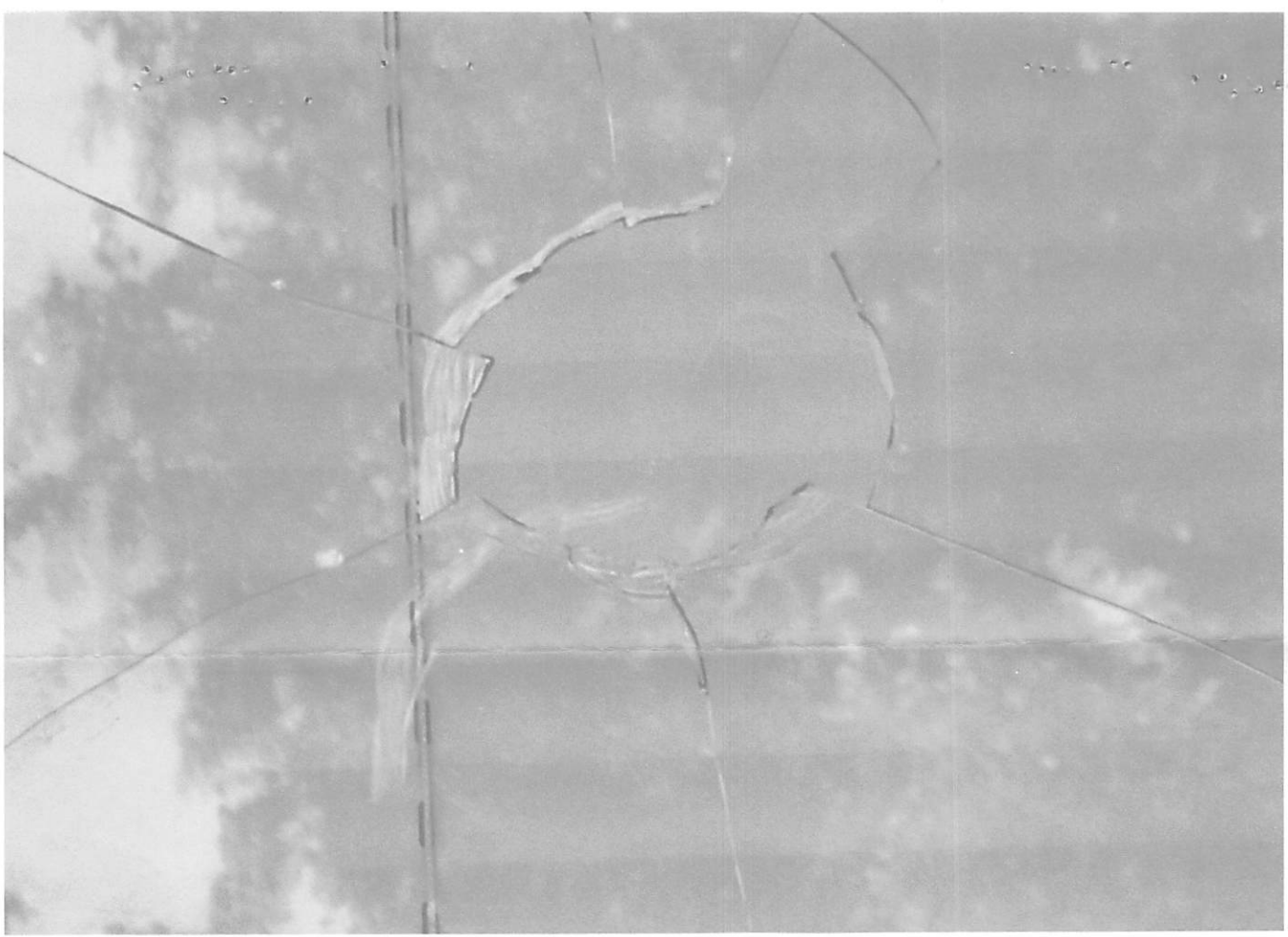
ORDER NO.	
ORDER REFERENCE	
SHIP TO	WEST ALIX W. 8314
SHIP FROM	8701 W. McMillan St
SHIP TO	SHARON GEROMINSKI

DATE	
TIME	
FOR	

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	BRKCH GLASS REPAIR	198	198
	SERVICE CALL		
	TOTAL ONE		198

City of West
Oaks







OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

August 20, 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.

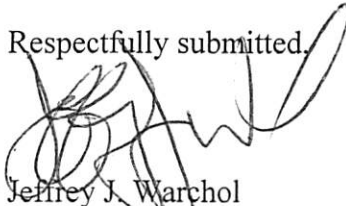
The following claim/lawsuit has been placed on file:

Richard Dagelen (\$500.00)

The following claims/lawsuits have been denied:

Robert and Sharon Jerominski (\$128.00)
Diane M. Koss by Attorney Gerald L. LaBarge (No Demand)

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

September 3, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert and Sharon Jerominski
8742 West McMyron Street
West Allis, WI 53214

Re: Your Claim Against the City of West Allis
Date of Loss: 6/9/08

Dear Mr. and Mrs. Jerominski:

At its meeting on September 2nd, 2008, the Common Council of the City of West Allis considered your claim received on July 28th, 2008, regarding property damage allegedly sustained at 8742 West McMyron 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-R Jerominski

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