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# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2009-0036	Claim	Claim Report
Dan Bukiewicz communication regarding vehicle damage allegedly sustained at 3053 S. 83 Street on December 23, 2008.		
Introduced: 1/20/2009		Controlling Body: Administration & Finance Committee

## PLACE ON FILE

### COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 03 2009			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
	X		Narlock	✓			
		X	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	5	1		

### SIGNATURE OF COMMITTEE MEMBER

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

## PLACE ON FILE

### COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 03 2009			Barczak				✓
	✓		Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
		X	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	9	1		1



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

February 24, 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:**

**Dan Bukiewicz— Amount \$1,013.64**

This is a claim for property damage to the claimant's vehicle on December 23<sup>rd</sup>, 2008, when it was struck by a City of West Allis snowplow while performing plowing operations at 3053 South 83<sup>rd</sup>, Street, West Allis, WI. The claimant's vehicle was legally parked and unoccupied at the time of the incident. The incident resulted in damages to the rear and left side of the claimant's vehicle. The claimant obtained two estimates for repairs and filed a claim against the City on January 9<sup>th</sup>, 2009.

Our investigation of this claim indicated that the City's operator of the snowplow was primarily negligent in failing to have his vehicle under control. The estimates provided by the claimant were reasonable and from reputable auto repair facilities. Pursuant to settlement guidelines, the City Attorney's Office paid the 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 DAN BUKIEWICZ, for and in consideration of One Thousand Thirteen and 64/100 Dollars (\$1,013.64) 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 an accident on or about December 23<sup>rd</sup>, 2008, when a City's snowplow struck a legally parked unoccupied truck owned by Dan Bukiewicz at 3053 South 83<sup>rd</sup> Street, West Allis, WI, causing damage to the rear and left side of Mr. Bukiewicz's truck.

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.

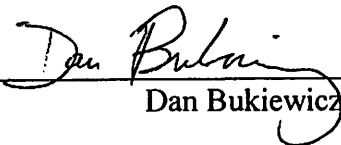
I agree that this is a complete release of property damage only and it is understood and agreed that it doesn't constitute a release for any bodily injury resultant from this accident as there were no bodily injuries as a result of this accident.

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.

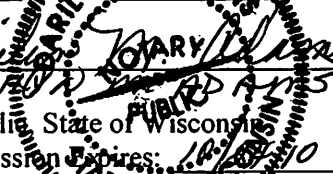

This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

**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 20 day of Feb, 2009.

  
\_\_\_\_\_  
Dan Bukiewicz

Subscribed and sworn to before me this 20, 2009.

  
  
( DARLOW )  
Notary Public, State of Wisconsin  
My Commission Expires: 12/31/10

TO Whom it may concern,

1/9/09

On December 23, 2008 I witnessed a plow truck going slow in front of 3053 S 83<sup>rd</sup> St. n West Allis. The plow truck was a West Allis plow truck and it drove by slowly. About ten minutes later a person from across the street told me the plow hit my truck that was parked on the East side of the road. I then called the police and they dispatched a West Allis Cop and the Drivers Supervisor. As the Cop was going thru my story the Driver came back to scene and struck another truck and broke his mirror right in front of the cop. I never once seen the cop check out the driver for license, DWI or asked why plates were not on truck. He simply was so curious about me. I have (2) witnesses and pictures of my damaged truck. Also why did the driver leave the scene? I know he came back only after cops were called. I know if I would of came back later I would of been in trouble.

Thanks, Hope to see this resolved in a timely Manner

D. Bukiewicz

Dan Bukiewicz  
9022 W Tripoli Ave  
Milw, WI 53228

414-940-6717

01/06/2009 at 11:45 AM  
11795

Job Number:

**STATE AUTO BODY INC.**  
Federal ID #:391098668  
SERVICE ALWAYS  
5000 WEST STATE STREET  
MILWAUKEE, WI 53208  
(414)258-6420 Fax: (414)258-4761

**ESTIMATE OF RECORD**

Written By: Mark Derda 01/06/2009 11:45 AM  
Adjuster:

**Insured:** Dan Bukiewicz  
**Owner:** Dan Bukiewicz  
**Address:** 9022 W. Tripoli Ave  
Milwaukee, WI 53228  
**Day:** (414)940-6717

**Claim #**  
**Policy #**  
**Deductible:**  
**Date of Loss:**  
**Type of Loss:**  
**Point of Impact:** 8. Left Qtr Post (

**Inspect** STATE AUTO BODY INC.  
**Location:** 5000 WEST STATE STREET  
MILWAUKEE, WI 53208

**Business:** (414)258-6420

**Insurance**  
**Company:**

Days to Repair

2006 CHEV K1500 4X4 SILVERADO EXT LS 8-5.3L-FI 4D SHORT Blue Int:  
**VIN:** 1GCEK19Z76Z272640 **Lic:** ES8445 **WI Prod Date:** **Odometer:** 55000

Air Conditioning	Rear Defogger	Tilt Wheel
Intermittent Wipers	Theft Deterrent/Alarm	Message Center
Dual Mirrors	Clear Coat Paint	Power Steering
Power Brakes	AM Radio	FM Radio
Stereo	Search/Seek	Anti-Lock Brakes (4)
Driver Air Bag	Passenger Air Bag	4 Wheel Disc Brakes
Cloth Seats	Rear Step Bumper	Automatic Transmission
4 Wheel Drive	Overdrive	Styled Steel Wheels

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		PICK UP BOX					
2*	Rpr	LT Side panel				4.0	3.5
3		Add for Clear Coat					1.4
4	Repl	Set back box assy	1			1.5	
5	Refn	Fuel door					0.3
6		Add for Clear Coat					0.1
7*	Repl	LT Decal "Z-71"	1	13.88		0.3	
8		REAR LAMPS					
9	R&I	LT Combo lamp assy 1/2 & 3/4 ton Chevrolet				0.4	
10		FRONT DOOR					
11	Repl	LT Mirror black w/o signal	1	157.88		0.4	
12#		Undercoating	1	10.00			
13#		Car cover	1	5.00			

01/06/2009 at 11:45 AM  
11795

Job Number:

**ESTIMATE OF RECORD**

2006 CHEV K1500 4X4 SILVERADO EXT LS 8-5.3L-FI 4D SHORT Blue Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
14#	3 Days	car rental	1	90.00		
15		OTHER CHARGES				
16#	E.P.C.		1	5.00		
Subtotals ==>				281.76	6.6	5.3
		Parts				276.76
		Body Labor	6.6 hrs @	\$ 50.00/hr		330.00
		Paint Labor	5.3 hrs @	\$ 50.00/hr		265.00
		Paint Supplies	5.3 hrs @	\$ 30.00/hr		159.00
		Other Charges				5.00
		SUBTOTAL				\$ 1035.76
		Sales Tax		\$ 1035.76 @	5.6000%	58.00
		GRAND TOTAL				\$ 1093.76
		ADJUSTMENTS:				
		Deductible				0.00
		CUSTOMER PAY				\$ 0.00
		INSURANCE PAY				\$ 1093.76

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.

HEISER CHEVROLET  
COLLISION REPAIR AND REFINISHING  
10200 W. ARTHUR AVENUE  
WEST ALLIS, WI 53227  
OFFICE: 414-327-2300 FAX: 414-546-7877

CD LOG NO 7872-1      DATE 01/02/09

SHOP: HEISER CHEVROLET BODY SHOP      INSP DATE: 01/02/09  
ADDRESS: 10200 WEST ARTHUR AVENUE      CONTACT: QUINN MIHALSKI  
TAX ID# 39-1655466      PHONE 1: (414) 328-2453  
CITY STATE: WEST ALLIS, WI      PHONE 2: (414) 327-2300 EXT 123  
ZIP: 53227-      FAX: (414) 546-7877

OWNER: BUKIEWICZ, DAN      HOME PHONE: (414) 940-6717  
ADDRESS: 9022 W TRIPOLI AVE  
CITY STATE: MILWAUKEE, WI  
ZIP: 53228

POINT OF IMPACT: 7

LIC#: ES8445      STATE: WI      VIN: 1GCEK19Z76Z272640  
BODY COLOR: BLUE      MILEAGE: 54,941  
CONDITION: GOOD      ACCTNG CTL#:

PROD.DATE: 03/06      PAINT CODE:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

VISUAL ESTIMATE , UNSEEN DAMAGE POSSIBLE.

2006 CHEVROLET SILVERADO K1500 LS 4DOOR EXT CAB 8CYL GASOLINE 5.3 FLEX  
CODE: U8033D/H OPTNS Z/24XWHGTUC

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	LEFT REAR ACCESS DOOR
HEATED BACK GLASS	REAR BUMPER
AIR CONDITIONING	AUTOMATIC TRANS
CRUISE CONTROL	

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0410	49	MIRROR, OUTER R/C	LT 15226944 GM PART	157.88			0.7	1
I	0497		PANEL, BEDSIDE	LT REPAIR				3.0	*1
L	0497		PANEL, BEDSIDE	LT REFINISH				3.5	4

2006 CHEVROLET SILVERADO K1500 LS 4DOOR EXT CAB  
 CD LOG NO 7872-1

			2.9 SURFACE		
			0.6 TWO STAGE		
N 0975	BED ASSEMBLY, SET BACK	ADDNL	LABOR OPERA		2.0 1
BR0397 13	DOOR, FUEL FILLER	LT	BLEND REFINISH		0.9 4
			0.2 BLEND		
			0.6 TWO STAGE SETUP		
			0.1 TWO STAGE		
E 0350	DECAL, BEDSIDE PANEL	LT	15779676 GM PART	13.21	0.3 1
RI0533	TAILLAMP ASSEMBLY	LT	R&I ASSEMBLY		0.3 1
N 0599	REAR BUMPER ASSY R&I	ADDNL	LABOR OPERA		0.8 1
N M15	COLOR TINT	ADDNL	LABOR OPERA		0.5*4*
N M17	COVER CAR EXTERIOR	ADDNL	LABOR OPERA	5.00*	*4*
N M60	HAZARD. WSTE. REM.	ADDNL	LABOR OPERA	3.00*	*1

11 ITEMS

MC MESSAGE(S)  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE  
 49 UNPRINTED PXN COMPARE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		171.09
OTHER PARTS		8.00
PAINT MATERIAL		156.80
PARTS & MATERIAL TOTAL		335.89
TAX ON PARTS & MATERIAL @	5.600%	18.81

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	1.3	5.8	369.20
2-MECH/ELEC	95.00			
3-FRAME	52.00			
4-REFINISH	52.00	4.4	0.5	254.80
5-PAINT MATERIAL	32.00			
LABOR TOTAL				624.00
TAX ON LABOR		@	5.600%	34.94
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL	1,013.64
NET TOTAL	1,013.64

SHOPLINK U4369 ES CD LOG 7872-1 DATE 01/02/09 08:22:15AM R6.37 CD 11/08  
 PXN: Y/01/00/00/01/00 CUM 01/00/00/01/00 GEOCODE 53227  
 HOST LOG  
 (C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

1.3 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.





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*

January 12, 2009

Mr. Dan Bukiewicz  
9022 W. Tripoli Avenue  
Milwaukee, WI 53228

Dear Mr. Bukiewicz:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 3053 S. 83 Street on December 23, 2008.

The original document will be submitted to the Common Council at its meeting of January 20, 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

/jml

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

February 25, 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 claims/lawsuits have been paid and placed on file:**

Nicole Jusuf (\$442.51)  
Dan Bukiewicz (\$1,013.64)  
Sentry Insurance on Behalf of Robert Gass (\$500.00)

**The following claims/lawsuits have been denied:**

Linda Neuhaus (\$116.16)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC