

4/14



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0104	Claim	Claim Report
Robert Thumme communication regarding vehicle damage allegedly sustained at 2165 S. 88 Street on January 8, 2009.		
Introduced: 2/17/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:
APR 21 2009

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

SIGNATURE OF COMMITTEE MEMBER

Just Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION **PLACE ON FILE**

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
	✓	Barczak	✓			
		Czaplewski	✓			
		Kopplin				
		Lajsic	✓			
		Narlock	✓			
		Reinke	✓			
		Roadt	✓			
		Sengstock				✓
✓		Vitale	✓			
		Weigel	✓			
TOTAL			9			1



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

April 13, 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:

Robert Thumme – Amount \$1,130.13

This is a claim for property damages to the claimant's legally parked and un-occupied vehicle on January 8th, 2009, when it was struck by a City of West Allis snowplow, performing plowing and salting operations, in front of 2165 South 88th Street, West Allis, WI. The driver's side mirror and front door on the claimant's vehicle were damaged as a result of the accident. The claimant obtained estimates for repair and filed a claim against the City on February 10th, 2009.

Our investigation of this claim indicated that the operator of the snowplow was at fault for the accident by failing to maintain proper control of his vehicle while backing up in an unsafe manner. The estimates for repair provided by the claimant were reasonable given the nature of the damages sustained in this incident. 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 ROBERT THUMME, for and in consideration of One Thousand One Hundred Thirty and 13/100 Dollars (\$1,130.13) 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 January 8th, 2009, when a City employee, while salting the street in the 2100 block, had to backup due to the street being blocked at one end, struck a legally parked unoccupied vehicle owned by Robert Thumme in front of 2165 S. 88th Street with the right side wing blade of the City's truck, causing damage to the driver side mirror and front door of Mr. Thumme's vehicle.

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.

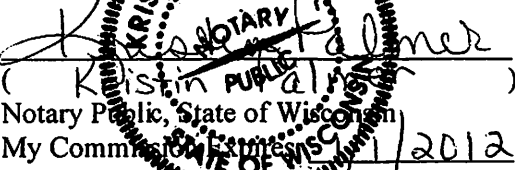
I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. I FURTHER UNDERSTAND THAT I HAVE THE OPPORTUNITY TO DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.

Signed and sealed this 6 day of April, 2009.



Robert Thumme

Subscribed and sworn to before me this 6 day of April, 2009.


Kristin Palmer
(Kristin PALMER)
Notary Public, State of Wisconsin
My Commission Expires 11/2012

City Clerk of West Allis

on 1-8-09. A MR. MICHAEL MOORE AN EMPLOYEE OF
WEST ALLIS. STRUCK MY PARKED VEHICLE. LOCATION OF
ACCIDENT 2165. S 80TH ST. I FOLLOWED THE
INSTRUCTIONS OF OFFICER. SOPA (414) 302-8141

THE CAR WAS REPAIRED & I HAVE COPIES OF THE
BILLS. I AM RESPECTFULLY REQUESTING REIMBURSEMENT
FOR DAMAGES RENDERED.

Sincerely

DR. P. ZHUR

ROBERT W. THOMAS

720. N. OLD WORLD 3RD ST. APT #809

M. I. W. 1192, W. I. 53201

847 691-1417

RECEIVED
FEB 10 2009
CITY OF WEST ALLIS
CLERK/TREASURER

WEST ALLIS POLICE DEPARTMENT
DRIVER EXCHANGE AND INFORMATION SHEET

DATE: 1, 8, 09 TIME: 11:48 AM
LOCATION: 2165 S. 88 st
NAME: Michael Moran (City of West Allis)
ADDRESS: 7525 W. Greenfield Ave
CITY: West Allis ZIP: 53214
PHONE: (414) 302-8200
INSURANCE COMPANY NAME: Citrus & Villages Mutual

FDRIVER.EX

DATE 279022514996 TIME
01/31/2009 591599 13:21:38

STERLING COLSON CTR #16
1536 ARTAIUS PARKWAY
LIBERTYVILLE, IL 60048
8473625175

CREDIT SALE

TRANS #004
AUTH #095218
MASTERCARD ACCOUNT #
XXXXXXXXXXXX7123

SALE AMOUNT

\$749.98

THANK YOU!
COME AGAIN

CUSTOMER COPY

Thumme Emergency Medical Solutions
ROBERT THUMME
 33848 N OAK ST
 GRAYSLAKE, IL 60030-1759
 HOME: 847-543-8930 BUS: 847-682-0290 CELL: 847-691-1417
 EMAIL: RTHUMME@YAHOO.COM

Invoice #: **108396**
 Tag #: **T802**
 Customer #: **11091**
 Service
 Advisor: **75 PAUL SHEVTSOV**

ACURA
Acura of Libertyville
 1620 South Milwaukee Avenue · Libertyville, IL 60048
 Telephone: (847) 680-7333 · Fax: (847) 680-8656
 E-mail: acuraliberty@earthlink.net
 www.acuralibertyville.com

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT			
GRAY	05	ACURA TL	19UUA66265A018726	7130943	102020	102020			
DEL DATE	PROD DATE	WARR. EXP	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE	R.O. OPENED	READY
29DEC04			17:00 15JAN09			CASH	16JAN09	15JAN09	16JAN09

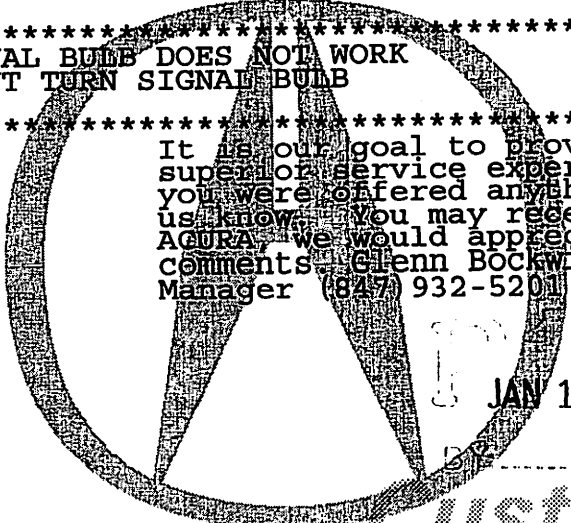
OPTIONS: DLH:251456

Service Hours

Monday - Friday
 7:00 a.m. to 6:00 p.m.

Saturday
 7:30 a.m. to 4:00 p.m.

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A	C/S						
				20		64.50	64.50
				18		295.00	295.00
1 76250-SEP-A01ZF MIR, L. DR *NH643M* ADVISED CUSTOMER L/F DOOR HAS SMALL DAMAGE, MIRROR FIT IS NOT PERFECT *****							
B	C/S						
				20		0.00	0.00
				18			
***** It is our goal to provide you with a superior service experience. If you feel you were offered anything less, please let us know. You may receive a survey from ACURA, we would appreciate to hear your comments. Glenn Bockwinkel Co-Owner/General Manager (847) 932-5201 work (847) 949-5874 home							



Thank You!

10%

DISCOUNT
Spring
Service Special

Cannot be combined with any other offers. Plus tax. Must present coupon at time of order. Valid only at Acura of Libertyville. Valid only on your next purchase. See Service Advisor for full details.

Acura of Libertyville

Expires: 16Apr2009

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- * The Midwest's Only Factory Authorized Body Shop
- * Insurance Work Welcome

STATEMENT OF DISCLAIMER

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DESCRIPTION	TOTALS
LABOR AMOUNT	64.50
PARTS AMOUNT	295.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	359.50
ADJUSTMENTS	0.00
SALES TAX	20.65
PLEASE PAY THIS AMOUNT	380.15

APPOINTMENTS: 847-680-7333 or
www.acuralib.com

CUSTOMER COPY

THANK YOU!



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

February 11, 2009

Dr. Robert Thumme
720 N. Old World 3rd Street
Apt. 809
Milwaukee, WI 53201

Dear Dr. Thumme:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 2165 S. 88 Street on January 8, 2009.

The original document will be submitted to the Common Council at its meeting of February 17, 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,

A handwritten signature in cursive script that reads "Monica Schultz".

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

April 14, 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:

Robert Thumme (\$1,130.13)

The following claim/lawsuit has been denied:

Rozga Plumbing & Heating Corp. (\$8,556.70)

Respectfully submitted,

Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC