

to
29.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0479 Claim Claim Report

Steve McComb communication regarding property damage allegedly sustained on June 19, 2009 at 10408 W. Schlinger Ave.

Introduced: 8/4/2009

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Denied

ACTION DATE:
SEP 01 2009

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak				
		Czaplewski				
		Kopplin	✓			
		Lajsic	✓			
✓		Narlock	✓			
		Reinke	✓			
		Roadt				
		Sengstock				
	✓	Vitale	✓			
		Weigel				
TOTAL			<u>5</u>			

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair Vice-Chair Member

COMMON COUNCIL ACTION

Denied

ACTION DATE:
SEP 01 2009

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak	✓			
		Czaplewski	✓			
✓		Kopplin	✓			
		Lajsic	✓			
	✓	Narlock	✓			
		Reinke	✓			
		Roadt	✓			
		Sengstock	✓			
		Vitale	✓			
		Weigel	✓			
TOTAL			<u>10</u>			



August 19, 2009

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(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 denied:


Steve McComb - Amount: \$2,220.00

This is a claim for property damage to various items contained within the claimant's basement at 10408 Schlinger Avenue, West Allis, WI on or about June 19th, 2009, when the claimants had a substantial amount of water in their basement from an alleged sewer back-up. On July 6th, 2009, the claimants filed a claim along with pictures and a list of contents and prices to replace the damaged items alleging negligence on the part of the City for a defective 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 in general are not designed to handle the extreme amount of water flow that occurred in this area from the rains in June of 2009. Although the storms 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,

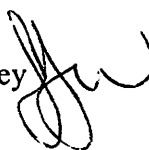


Jeffrey J. Warchol
Assistant City Attorney

JJW:da

MEMORANDUM

TO: Michael Pertmer, Director of Public Works
Michael Lewis, City Engineer

FROM: Jeff Warchol, Assistant City Attorney 

DATE: July 2, 2009

SUBJECT: Claim Against the City of West Allis by Steve McComb

RECEIVED
JUL 15 2009
WEST ALLIS
CITY ATTORNEY

The attached claim has been filed against the City of West Allis. It is requested that you conduct an investigation and provide written advice to this office of your findings and recommendations as to the disposition.

Thank you for your assistance and cooperation.

JJW:da
Attachment

L:\jeff\claims\memos\Memo-Pertmer,&Lewis

Jeff:
The city of West Allis received between 4 & 5" of rain in a relatively short period on the specified date. This resulted in both storm & sanitary sewers becoming surcharged. The city is a drain system which is intercepted into MMSD's sewer system because in short MMSD's system could not handle the volume.
Mike



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 7, 2009

Steve McComb
10408 W. Schlinger Ave.
West Allis, WI 53214-1104

Dear Mr. McComb:

This letter acknowledges receipt of your communication regarding property damage at 10408 W. Schlinger Ave. on June 19, 2009.

The original document will be submitted to the Common Council at its meeting of August 4, 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

/amn

cc: City Attorney

The McComb Family
10408 Schlinger Avenue
West Allis, WI 53214-1104
(414) 916-3082 (Steve)
(414) 916-5567 (Christy)

July 6, 2009

RECEIVED

JUL -6 2009

VIA HAND DELIVERY

City of West Allis
City Hall
7525 West Greenfield Avenue
West Allis, WI 53214

FLOOD RELIEF REQUEST

CITY OF WEST ALLIS
CLERK/TREASURER

**Re: Flood Damage in the Basement of
10408 Schlinger Avenue, West Allis, WI 53214-1104**

Dear Sir and/or Madame:

In viewing the evening news on Channel 12 on Monday evening, June 22, 2009, it was reported that the people of West Allis that had experienced flood damage turn in their reports/claims to the City of West Allis for federal relief. After receiving no help and/or assistance from our State Farm agent, we take this opportunity to do just that – seek federal relief by reporting our damages to you, per Channel 12's news forecast.

Enclosed please find an itemized Inventory List of every item we lost in the flood in the early morning hours of Friday, June 19, 2009, when we awoke at 2:30 a.m. to a flooded basement. Also enclosed is a set of pictures we took of our flood damage. We have lost everything we had in this basement. We seek relief to help compensate for our loss. To recover from this devastating loss, out of our own pockets, would be too great. We have resided in this home since September 2008 so we have never experienced this flood damage issue in West Allis that apparently continues to go on, *nor were we ever told about it from our Landlord*. We never want to go through this again. It has devastated us.

Please contact us at your earliest convenience so we may proceed further with this action. Thank you for your attention to this communication.

Sincerely,

Steve McComb

Enclosures
cc: File

The McComb Family
10408 Schlinger Avenue
West Allis, WI 53214-1104
(414) 916-3082 (Steve)
(414) 916-5567 (Christy)

July 6, 2009

VIA HAND DELIVERY

FLOOD RELIEF REQUEST

City of West Allis
City Hall
7525 West Greenfield Avenue
West Allis, WI 53214

FLOOD OF JUNE 19, 2009

INVENTORY LIST OF ITEMS LOST

<u>Item Description</u>	<u>Value Amount</u>
A/C 1 – 6,000 BTU (5 years old)	\$ 50.00
A/C 2 – 6,000 BTU (4 years old)	\$ 50.00
A/C 3 – 10,000 BTU (w/digital remote, 1 yr. Old)	\$ 250.00
Washer – Maytag Super Capacity	\$ 550.00
Dryer – Maytag Super Capacity	\$ 530.00
Vacuum 1	\$ 30.00
Vacuum 2	\$ 50.00
Steam Cleaner	\$ 250.00
Luggage	\$ 125.00
Wedding Dress	\$ 800.00
Computer Desk	\$ 70.00
CRT (PC Monitor) 15”	\$ 50.00

INVENTORY LIST OF ITEMS LOST

(Continued)

<u>Item Description</u>	<u>Value Amount</u>
Christmas Tree	\$ 80.00
Christmas Decorations	\$ 300.00
Treadmill	\$ 400.00
Many Photos / Pictures	Priceless
Four (4) Area Rugs (different sizes)	\$ 300.00
Store-bought & Burned Music/CDs	Priceless
Walkie-Talkies	\$ 60.00
Hunting Coat	\$ 100.00
Hunting Bibs	\$ 80.00
Hunting Accessories (Thermas, Wool Socks, Gloves, Ammo, Deer Calls, Binoculars, EarMuffs, Muffler, Rattle Bag) Est.	\$ 300.00
K2 Roller Blades	\$ 150.00
Shoes	\$ 200.00
Super Nes + 25 Games	Priceless
PC Surround Sound	\$ 250.00

***TOTAL: Too Hard To Determine Since So Many Things You
Cannot Put A Price On and Cannot Be Replaced***



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

August 26, 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.

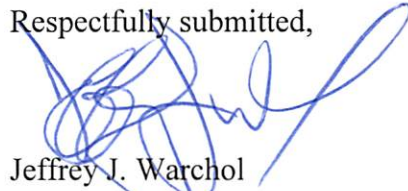
The following claim/lawsuit has been placed on file:

GMAC Mortgage Corporation v. Steven P. Santner, et al.
Milwaukee County Case No. 05-CV-001040

The following claim/lawsuit have been denied:

Steve McComb (\$2,220.00)

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

September 4, 2009

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Steve McComb
10408 West Schlinger Avenue
West Allis, WI 53214-1104

Re: Your Claim Against the City of West Allis
Date of Loss: 6/19/09

Dear Mr. McComb:

At its meeting on September 1st, 2009, the Common Council of the City of West Allis considered your claim received on July 6th, 2009, regarding property damages allegedly sustained at 10408 West Schlinger Avenue, 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-S McComb

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