

27.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0042	Claim	Claim Report
	Thomas O'Grosky, Jr. communication regarding vehicle damage allegedly sustained at the 400 block on South 76 Street on January 9, 2009.	
	Introduced: 1/20/2009	Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:
FEB 17 2009

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

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

ACTION DATE:
FEB 17 2009

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



February 2, 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:

Thomas R. O'Grosky, Jr. - Amount: \$318.67

This is a claim for property damage to the claimant's vehicle on January 9th, 2009, when the claimant struck a pothole in the road in the 400 block of South 76th Street. The claimant obtained an estimate for repairs and filed a claim against the City of West Allis on January 12th, 2009.

Our investigation of this claim indicated that the incident did not take place within the legal boundary limits of the City of West Allis. As such, a letter was sent to the claimant advising of the jurisdictional issue so that the claimant had ample time to re-file his claim with the appropriate entity should he so desire.

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

To: City of West Allis clerk's office / Attorney's office

On Friday, January 9th, 2009, at 5:30am, my automobile incurred damage on the 400 South block on 76th Street. This damage was from a pothole. I was advised to make a claim. I have brought in my receipt from the dealer. The clerk's office made a photocopy. The receipt includes the price paid to the dealer and a list of the items repaired. The total is \$318.67.

My contact info:

Thomas Roberto Grosky, Jr.
3727 S 93rd St
Milwaukee WI 53228
(414) 430-1448

RECEIVED

JAN 12 2009

CITY OF WEST ALLIS
CLERK/TREASURER

HOLZ MOTORS
5961 S 108TH ST
HALES CORNERS, WI 53130
(414) 425-2400

Sale

Merchant ID: 542929803013861

Term ID: LK592164

01/09/09

11:59:31

Batch#: 000425

Inv #: 000012

VISA

Entry Method: S

XXXXXXXXXXXX9020

Seq.#: 0012

Appr Code: 087300

Total:

\$

318.67

APPROVED

Customer Copy

ALL SALES FINAL

138183

871192

HOLZ MOTORS, INC.

5961 SO. 108TH PLACE
P.O. BOX 226
HALES CORNERS, WI. 53130
(414) 425-2400
SERVICE: (414) 425-7180
BODY SHOP: (414) 529-7848
www.holzmotors.com



THOMAS R OGROSKY JR
8038 W IMPERIAL DR
FRANKLIN, WI 53132-9722
HOME: 414-235-9414 BUS:
CELL: 414-430-1448

INVOICE



PAGE 1

SERVICE ADVISOR: 482 JIM MCCANN

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
87U/Black	08	Chevrolet COBALT	1G1AK58F587340180		5579/5580	T9784
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	PAYMENT	INV. DATE
30AUG08 IS		30AUG2011	WAIT 09JAN09		CASH	09JAN09
R.O. OPENED	READY	OPTIONS: STK:82300 DLR:47280				
07:34	09JAN09	10:40	09JAN09			

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A CUSTOMER REPORTS HITTING A POT HOLE AND THE RIGHT REAR TIRE LOST AIR.							
BALANCE AND ADVISE							
E0420 REPL R/R WHEEL							
				369	CP	44.77	44.77
				1	9595086 WHEEL	96.43	96.43
				1	15263240 STEM ASM	16.00	16.00
PARTS:				112.43	LABOR:	44.77	OTHER: 0.00
						TOTAL LINE A:	157.20

5580 HIT POT HOLE REPLACED R/R WHEEL. MT. & BAL. 1 TIRE. WHEEL WAS BENT FROM IMPACT.


B 4 WHEEL ALIGNMENT CAR							
14C PERFORM 4 WHEEL ALIGNMENT							
				369	CP	142.34	142.34
PARTS:				0.00	LABOR:	142.34	OTHER: 0.00
						TOTAL LINE B:	142.34

5580 HIT POT HOLE. 4 WHL. ALIGN.

CUSTOMER PAY ENVIRONMENTAL AND SHOP CHARGES FOR REPAIR ORDER FOR REPAIR							2.24
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Thank you
Jim

PAID

SERVICE DEPARTMENT HOURS: MONDAY - THURSDAY: 7:00 AM - 8:00 PM FRIDAY: 7:00 AM - 6:00 PM SATURDAY: 8:00 AM - 12:00 PM RESERVATION RECOMMENDED FOR MAINTENANCE AND REPAIRS BODY SHOP HOURS: MONDAY - FRIDAY: 7:30 AM - 5:30 PM SATURDAY: 8:00 AM - 12:00 PM "GM QUICK LUBE" NO APPOINTMENT NEEDED	 NOTE: A (W) or (B) in front of the part description indicates a Lifetime Warranty Part.	I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.																			
		X	<table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>TOTALS</th> </tr> </thead> <tbody> <tr> <td>LABOR AMOUNT</td> <td>187.11</td> </tr> <tr> <td>PARTS AMOUNT</td> <td>112.43</td> </tr> <tr> <td>GAS, OIL, LUBE</td> <td>0.00</td> </tr> <tr> <td>SUBLET AMOUNT</td> <td>0.00</td> </tr> <tr> <td>MISC. CHARGES</td> <td>2.24</td> </tr> <tr> <td>TOTAL CHARGES</td> <td>301.78</td> </tr> <tr> <td>LESS INSURANCE</td> <td>0.00</td> </tr> <tr> <td>SALES TAX</td> <td>16.89</td> </tr> <tr> <td>PLEASE PAY THIS AMOUNT</td> <td>318.67</td> </tr> </tbody> </table>	DESCRIPTION	TOTALS	LABOR AMOUNT	187.11	PARTS AMOUNT	112.43	GAS, OIL, LUBE	0.00	SUBLET AMOUNT	0.00	MISC. CHARGES	2.24	TOTAL CHARGES	301.78	LESS INSURANCE	0.00	SALES TAX	16.89
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SALES TAX	16.89																				
PLEASE PAY THIS AMOUNT	318.67																				

name THOMAS OGROSKY,
 Address
 Telephone
 Vehicle (VIN) 1G1AK58F587340180
 License 609-BSY
 Color GRAY
 Technician 369
 Mileage 5579
 Time Printed 1/9/09 10:18 AM

Chevrolet : Cobalt : except SS, Sport Models : 2005-08

Front : Left

Actual	Before	Specified Range
-1.2°		-1.8° -0.3°
2.3°		2.3° 3.8°
0.02in		0.00in 0.10in
8.1°		
6.9°		

Front : Right

Actual	Before	Specified Range
-1.1°		-1.8° -0.3°
3.0°		2.3° 3.8°
0.02in		0.00in 0.10in
12.1°		
11.0°		

Camber
 Caster
 Toe
 SAI
 Included Angle
 Turning Angle Diff.

Front

Cross Camber
 Cross Caster
 Total Toe

Actual	Before	Specified Range
-0.2°		-0.8° 0.8°
-0.4°		-0.8° 0.8°
0.04in		0.00in 0.20in

Rear : Left

Actual	Before	Specified Range
-3.0°		-1.6° -0.1°
0.01in		-0.01in 0.14in

Rear : Right

Actual	Before	Specified Range
-0.2°		-1.6° -0.1°
0.05in		-0.01in 0.14in

Camber
 Toe

Rear

Total Toe
 Thrust Angle

Actual	Before	Specified Range
0.10in		-0.03in 0.28in
-2.03°		-0.30° 0.30°



January 13, 2009

Mr. Thomas R. O'Grosky, Jr.
3727 S. 93 Street
Milwaukee, WI 53228

Dear Mr. O'Grosky:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at the 400 block on South 76 Street on January 9, 2009.

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 4, 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:

Terri Ratayczak/Mainline Sewer & Water Inc. (\$1,759.04)
Barbara M. Loeffler (\$974.90)
Timothy Higgins (\$141.50)

The following claims/lawsuits have been denied:

Jennifer Grieve (\$638.88)
✓ Thomas R. O'Grosky (\$318.67)

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeffrey J. Warchol".

Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



City of West Allis
Referral Notice
Common Council

7525 W. Greenfield Ave.
West Allis, WI 53214

To: City Attorney
From: Common Council
Date: Tuesday, January 20, 2009

The following items are being referred to you for your review and response. Special instructions may follow each item. Please contact the City Clerk if you cannot respond by the due date listed.

2009-0042 Thomas O'Grosky, Jr. communication regarding vehicle damage allegedly sustained at the 400 block on South 76 Street on January 9, 2009.

Due Date:
Instructions:

If there are any questions concerning this notice, please direct them to the CITY CLERK.



NOTICE OF DISALLOWANCE OF CLAIM

February 20, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas R. O'Grosky, Jr.
3727 South 93rd Street
Milwaukee, WI 53228

Re: Your Claim Against the City of West Allis
Date of Loss: 1/09/09

Dear Mr. O'Grosky:

At its meeting on February 17th, 2009, the Common Council of the City of West Allis considered your claim received on January 16th, 2009, regarding vehicle damages allegedly sustained in the 400 Block on South 76th Street, Milwaukee, 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-T OGrsky

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

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