

7.
13.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0074	Claim	Claim Report
Dianne Kerzner communication regarding vehicle damage allegedly sustained at the 1100 block of S. 71 St. on January 22, 2009.		
Introduced: 2/3/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION
DATE:
APR 21 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 **PLACE ON FILE**

ACTION
DATE:
APR 21 2009

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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

April 1, 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:

Dianne Kerznar– Amount \$242.88

This is a claim for property damages to the claimant's vehicle on January 22nd, 2009, when it was struck, while unoccupied and legally parked, by a City of West Allis emergency medical vehicle while responding to an EMS call at MATC on South 71st Street in West Allis, WI. As a result of the accident, the driver's side mirror of the claimant's vehicle was damaged. The claimant obtained estimates for repair and filed a claim against the City on January 26th, 2009.

Our investigation of this claim indicated that the operator of the emergency vehicle was at fault for the accident by failing to maintain a proper distance while attempting to pass the claimant's vehicle. The estimates for repair provided by the claimant were reasonable given the nature of the damages. 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 DIANNE KERZNAR, for and in consideration of Two Hundred Forty-two and 88/100 Dollars (\$242.88) 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 22nd, 2009, when West Allis Med 1, while responding to an EMS call at MATC on South 71st Street, West Allis, WI, struck a legally parked unoccupied vehicle owned by Dianne Kerznar, causing damage to the driver side mirror of Ms. Kerznar'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 23 day of March, 2009.

Dianne Kerznar
Dianne Kerznar

Subscribed and sworn to before me this 23 day of March, 2009.

Kristina D. Palmer
(*Kristina D. Palmer*)
Notary Public, State of Wisconsin
My Commission Expires 1/1/2012
STATE OF WISCONSIN



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziebler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

January 28, 2009

Ms. Dianne Kerzner
3645 S. 79 St.
Milwaukee, WI 53220

Dear Ms. Kerzner:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at the 1100 block of S. 71 St. on January 22, 2009.

The original document will be submitted to the Common Council at its meeting of February 3, 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

/amn

cc: City Attorney

January 23, 2009

To Whom it may concern,

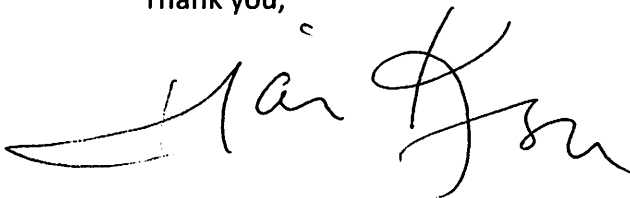
My name is Dianne Kerzner, on Thursday, January 22, 2009 I was in school at MATC West Allis campus. My vehicle was parked on South 71 street, the time was 11:49 a.m. when my vehicle was struck by a West Allis Fire Ambulance.

Officer Brian Duerr left me a note on my windshield for me to contact him immediately so that I may give him my name, address, phone number and if I can give him any information so that I can be reimbursed for damages done to my vehicle.

Damages are driver side mirror, broken off. Officer Duerr explained to me that the accident report will not be completed until Sunday, January 25th.

If you have any further questions or need to contact please feel free to call me at:
Home: (414) 763-5120 or Cell: (414) 915-3018 .

Thank you,



Dianne Kerzner

3645 S 79th
Milwaukee, Wis
53220

cc: Athy

302-8200

A09012202
09-002866 cash no

**WEST ALLIS POLICE DEPARTMENT
DRIVER EXCHANGE AND INFORMATION SHEET**

DATE: 1, 22, 09 TIME: 1149

LOCATION: 1100 BLK 71

NAME: CITY OF WEST ALLIS FIRE DEPT

ADDRESS: _____

CITY: _____ ZIP: _____

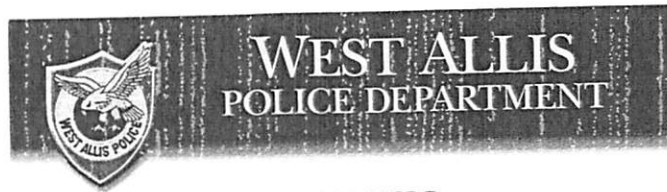
PHONE: (____) _____

INSURANCE COMPANY NAME: _____

DEANNE → your marker was struck by a
WEST ALLIS FIRE DEPT AMBULANCE - IT REPORTED BEING SWAYED OUT
PLEASE CALL ME + LEAVE MESSAGE ON MY VOICEMAIL WITH YOUR PHONE NUMBER

FDRIVER.EX

B. Duerr



BRIAN DUERR

Patrol Officer

(414) 302-8000

11301 W. Lincoln Ave. West Allis, WI 53227 (414) 302-8000 Fax: (414) 302-8099 TDD: 302-8000

EWALDS COLLISION CENTER
 1/2 MILE EAST OF THE AIRPORT ON LAYTON
 2727 E. LAYTON AVE. CUDAHY, WI 53110
 PHONE: 414-481-8500 FAX: 414-482-7591
 TAX ID# 20-1525184

CD LOG NO 143-1 DATE 01/22/09

SHOP: EWALD'S VENUS FORD
 ADDRESS: 2727 EAST LAYTON AVENUE
 CITY STATE: CUDAHY, WI
 ZIP: 53110-

INSP DATE: 01/22/09
 CONTACT: JOHN
 PHONE 1: (414)481-8500
 FAX: (414)482-7591

OWNER: KERZNAR, DIANA
 ADDRESS: 3645 S 79
 CITY STATE: MILW, WI
 ZIP: 53220

CELL PHONE: (414)519-3018

POINT OF IMPACT: 0

LIC#: 674-GAB
 BODY COLOR: BLACK
 CONDITION:

STATE:

VIN: 1FMPU18L1XLB93108
 MILEAGE: 122,705
 ACCTNG CTL#:

*=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

1999 FORD EXPEDITION XLT 4DOOR WAGON 8CYL GASOLINE 5.4
 CODE: P8503A/C OPTNS B/24KDFOP

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 4-WHEEL DRIVE
 LUGGAGE RACK
 OVERHEAD CONSOLE

TWO-STAGE - INTERIOR SURFACES
 ELEC REMOTE CONTROL MIRRORS
 CRUISE CONTROL

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	-----	-----	---	---	-----	-
E	0229		MIRROR, OUTER R/C	LT F85Z17683GAB	176.00			1.0	1
			PART # F85Z17683GAB						
E	0367		HOUSING, MIRROR OUTE	LT F7TZ17D743AB	42.85*			INC	1
			PART # XL1Z17D743AAA						

2 ITEMS
 FINAL CALCULATIONS & ENTRIES
 GROSS PARTS

218.85

1999 FORD EXPEDITION XLT 4DOOR WAGON
CD LOG NO 143-1

PARTS & MATERIAL TOTAL				218.85
TAX ON PARTS & MATERIAL @			5.600%	12.26
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	1.0		52.00
2-MECH/ELEC	85.00			
3-FRAME	52.00			
4-REFINISH	52.00			
5-PAINT MATERIAL	32.00			
LABOR TOTAL				52.00
TAX ON LABOR		@	5.600%	2.91
SUBLET REPAIRS				
TOWING				
STORAGE				
GROSS TOTAL				286.02
NET TOTAL				286.02

SHOPLINK U0633 ES CD LOG 143-1 DATE 01/22/09 03:16:28PM R6.37 CD 12/08
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53110
HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

BOB TOLKAN BUICK
 "BEST IN CLASS" BODY SHOP
 5700 SOUTH 27TH STREET
 MILWAUKEE, WI 53221
 OFFICE: 414-282-3000 FAX: 414-282-2511

CD LOG NO 284-1 DATE 01/23/09

SHOP: INSP DATE: 01/23/09
 CONTACT: NICK
 OWNER: KERZNAR, DIANE CELL PHONE: (414) 915-3018

POINT OF IMPACT: 0

LIC#: STATE: VIN: 1FMPU18L1XLB93108
 BODY COLOR: MILEAGE:
 CONDITION: ACCTNG CTL#:

*=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

1999 FORD EXPEDITION XLT 4DOOR WAGON 8CYL GASOLINE 5.4
 CODE: P8503A/C OPTNS B/24KDFOP

OPTIONS:
 TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
 4-WHEEL DRIVE ELEC REMOTE CONTROL MIRRORS
 LUGGAGE RACK CRUISE CONTROL
 OVERHEAD CONSOLE

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0229		MIRROR, OUTER R/C	LT F85Z17683GAB	176.00			1.0	1

1 ITEMS

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		176.00	
PARTS & MATERIAL TOTAL		176.00	
TAX ON PARTS & MATERIAL @	5.600%	9.86	
LABOR	RATE	REPLACE HRS	REPAIR HRS
1-SHEET METAL	54.00	1.0	54.00
2-MECH/ELEC	95.00		

1999 FORD EXPEDITION XLT 4DOOR WAGON
CD LOG NO 284-1

3-FRAME 54.00
4-REFINISH 54.00
5-PAINT MATERIAL 34.00

LABOR TOTAL 54.00
TAX ON LABOR @ 5.600% 3.02
SUBLET REPAIRS
TOWING
STORAGE

GROSS TOTAL 242.88
NET TOTAL 242.88

SHOPLINK U1206 ES CD LOG 284-1 DATE 01/23/09 10:07:02AM R6.37 CD 01/09
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53221
HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

DON JACOBS TOYOTA
 5727 SOUTH 27TH STREET
 MILWAUKEE, WI 53221
 OFFICE: 414-281-3100 FAX: 414-423-2077
 FEDERAL ID# 39-1288187

CD LOG NO 23301-1 DATE 01/23/09

SHOP: DON JACOBS TOYOTA	INSP DATE: 01/23/09
ADDRESS: 5727 S 27TH ST	CONTACT: ALVARO ARCE
CITY STATE: MILWAUKEE, WI	PHONE 1: (414) 281-3100 EXT 162
ZIP: 53221-	PHONE 2: (800) 572-6490 EXT 162
	FAX: (414) 423-2077

OWNER: KERZNAR, DIANNE	HOME PHONE: (414) 915-3018
ADDRESS: 3645 S 79TH ST	
CITY STATE: MILWAUKEE, WI	
ZIP: 53220	

POINT OF IMPACT: 6

LIC#:	STATE:	VIN:	1FMPU18L1XLB93108
BODY COLOR:		MILEAGE:	
CONDITION:		ACCTNG CTL#:	

*=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

1999 FORD EXPEDITION XLT 4DOOR WAGON 8CYL GASOLINE 5.4
 CODE: P8503A/C OPTNS B/24KDFOP

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	ELEC REMOTE CONTROL MIRRORS
LUGGAGE RACK	CRUISE CONTROL
OVERHEAD CONSOLE	

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R

E	0229		MIRROR, OUTER R/C	LT F85Z17683GAB	176.00			1.0	1
RI	0229		MIRROR, OUTER R/C	LT R&I ASSEMBLY				INC	1
E	0279		GLASS, MIRROR OUTER	LT F85Z17K707AD	INC				1
SBM	60		HAZARD. WSTE. REM.	SUBLET REPAIR	3.00*				1

4 ITEMS

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				176.00
PARTS & MATERIAL TOTAL				176.00
TAX ON PARTS & MATERIAL @			5.600%	9.86
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	92.00	1.0		92.00
2-MECH/ELEC	92.00			
3-FRAME	52.00			
4-REFINISH	52.00			
5-PAINT MATERIAL	32.00			
LABOR TOTAL				92.00
TAX ON LABOR		@	5.600%	5.15
SUBLET REPAIRS				3.00
TAX ON SUBLET		@	5.600%	0.17
TOWING				
STORAGE				
GROSS TOTAL				286.18
NET TOTAL				286.18

SHOPLINK U4249 ES CD LOG 23301-1 DATE 01/23/09 10:05:25AM R6.37 CD 11/08

PXN: NO GEocode

HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

OUR SYSTEM WILL RETAIN THIS ESTIMATE FOR 60 DAYS.



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

April 3, 2009

Common Council
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

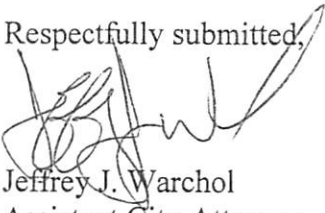
Dear Council Members:

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:

Ziklag Global Investments, Inc. (\$41,000.00)
Dianne Kerzner (\$242.88)
Jeffrey Jasnowski (\$1,562.16)
Stephanie Wisneski (\$131.58)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC