

10
21



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0248 Claim Claim Report

Carla Granneman communication regarding vehicle damage allegedly sustained at S 72nd St. and W. Beloit Rd. on February 8, 2008.

Introduced: 5/6/2008

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 05 2008</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt				
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	Weigel					
		TOTAL		<u>4</u>	<u>-</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Chair

[Signature]
Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 05 2008</u>	<input type="checkbox"/>	<input type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>				
		TOTAL		<u>8</u>	<u>-</u>		<u>2</u>



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

July 28, 2008

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 (6)(a) 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 placed on file:

Carla and Kristine Granneman– Amount \$1,525.00

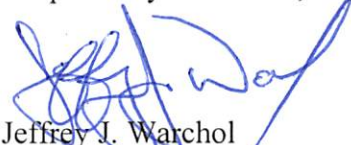
This is a claim for property damage to the claimant's vehicle on February 8th, 2008, when it was struck by a City of West Allis snowplow operator backing up a snowplow at South 72nd Street and West Beloit Road in the City of West Allis. The claimant was standing still in her vehicle at a stop sign when the plow backed into the vehicle. The claimant obtained estimates for repair and filed a claim against the City on April 14th, 2008.

Our investigation into this claim indicated that both parties shared some fault for the accident. Although the claimant may have kept a greater distance between herself and the snowplow on the day in question, the snowplow operator still must use caution and maneuver the vehicle in a safe manner while backing up at all times. Further, the estimates submitted by the claimant for repair were greater than the total loss value of the vehicle.

Based on the facts stated above, the City Attorney's Office entered into settlement negotiations with the claimant and pursuant to settlement guidelines, settled the case for the amount stated above. The City has obtained a signed Release of All Claims from the claimants in this case.

Therefore, 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

RELEASE OF ALL CLAIMS

FOR AND IN CONSIDERATION of the payment to CARLA GRANNEMAN and KRISTINE GRANNEMAN at this time of the sum of One Thousand Five Hundred Twenty-five and 00/100 Dollars (\$1,525.00), the receipt of which is hereby acknowledged, we, being of lawful age do hereby release, acquit, and forever 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 other persons, firms or corporations who are or might be liable from any and all claims, demands, damages, costs, actions and causes of action of whatever kind or nature which I may now have or may hereafter have, on account of, or in any way growing out of, any and all known and unknown bodily injuries, personal injuries and property damage, whether developed or undeveloped, resulting or to result from an accident that occurred on or about February 8th, 2008, at South 72nd Street and West Beloit Road, West Allis, Wisconsin, when a West Allis snowplow, which had been stopped at a stop sign directly in front of Ms. Granneman's vehicle, while plowing snow, proceeded to move forward and then back up striking Ms. Granneman's vehicle resulting in damage to the front end of the vehicle. We hereby declare and represent that any injuries sustained are not permanent and in making this Release and Agreement it is understood and agreed that we rely wholly upon our own judgment, belief, and knowledge of the nature, extent and duration of said injuries, and that we have not been influenced to any extent whatever in making this Release by any representations or statements regarding said injuries, or regarding any other matters, made by the persons, firms or corporations who are hereby released, or by any person or persons representing him or them, or by any physician or surgeon by him or them employed.

It is further understood and agreed that this settlement is the compromise of doubtful and disputed claims and that the payment of said amount is not to be construed as an admission of liability upon the part of said persons, firms, or corporations released; liability being by it, him or them expressly denied.

It is further understood and agreed that this Release and payment pursuant thereto is not be construed as a waiver by or estoppel of any party released to prosecute a claim or action 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.

WE HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. WE 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 24th day of July, 2008.

Carla Granneman
Carla Granneman

Kristine Granneman
Kristine Granneman

Subscribed and sworn to before me
this 24th day of July, 2008.
Dorilyn M. Adams
(DORILYN M. ADAMS)
Notary Public, State of Wisconsin
My Commission: 10/24/10
L:\jeff\claims/releases\All Claims\Granneman

RECEIVED

APR 14 2008

CITY OF WEST ALLIS
CLERK/TREASURER

April 4th, 2008

City Of West Allis
6300 W McGeoch Ave
West Allis, Wi 53219

Attn: Mr. Paul Ziehler

At approximately 12:20 pm on February 8th a City of West Allis plow truck reversed into my car causing internal and external damage. This accident happened on South 72nd and W Beloit road. Both the plow driver and I were facing south on 72nd street. We were at a stop sign. The plow driver proceeded to head toward the median on Beloit road, allowing me to move closer to the stop sign, and to look for oncoming traffic. The plow truck then started to reverse backwards. I saw him coming back towards me and tried to shift into reverse so he would not hit me, but he hit me anyhow. The plow truck damaged the front end of my car. After he hit my car, he then drove forward into the middle of the road and made a U-turn which left him facing north on 72nd, as well as facing me in my vehicle. He looked directly at me and my car and then drove off. I tried to stop him, but he kept going. Fortunately I was able to write down his truck number, and then I proceeded to call the police department. Officer Sopa took down my information and the account of what happened. The plow driver was located. Mr. David C. Wepking arrived and took photographs of the damage.

I was then instructed to obtain 2 estimates for repair. These estimates are enclosed.

A citation was not given to the plow driver as the police justified that his truck was larger and heavier than my car., and that he probably did not even see me. I find this perplexing, as given that explanation I would assume that the driver needs to be extra cautious and aware of his surroundings.

Given that I am pregnant and due within the month I would like to have this repair started as soon as possible. Please let my mother know how to proceed in getting the funds to make the repairs. The owner of the vehicle is my mother Kristine Granneman so please contact her in regards to this. She reached at 414 259-1347 or on her cell phone at 262 370-2820

Thank you
Carla Granneman
Kristine Granneman
836 S 76
West Allis Wi 53214
414 259-1347

Date: 4/3/2008 12:38 PM
 Estimate ID: 301
 Estimate Version: 0
 Preliminary
 Profile ID: Mitchell

CRASH1 WEST ALLIS

11330 W. LINCOLN AVE., WEST ALLIS, WI 53227
 (414) 327-7100
 Fax: (414) 327-8100

Damage Assessed By: JIM KELLER

Deductible: NONE

Owner: CARLA GRANNEMAN
 Address: 836 S. 76TH ST., WEST ALLIS, WI 53214
 Telephone: Home Phone: (414) 517-4556

Mitchell Service: 918620

Description: 1993 Ford Taurus GL
 Body Style: 4D Sed
 VIN: 1FACP52U1PG191540

Drive Train: 3.0L Inj 6 Cyl AO

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	AUTO	REF	REFINISH	FRT BUMPER COVER & VALANCE COMPLETE			C 2.9
2	AUTO	BDY	OVERHAUL	FRT BUMPER COVER ASSY			0.5
3	801190	BDY	REMOVE/REPLACE	FRT BUMPER COVER	F2DZ 17757 D	d438.90	INC
4	800071	BDY	REPAIR	FRT BUMPER VALANCE PANEL	Existing		1.5*
5	801320	BDY	REMOVE/REPLACE	GRILLE OPENING REINFORCEMENT	F4DZ 8A284 A	125.52	2.0 #
6	AUTO	BDY	CHECK/ADJUST	HEADLAMPS			0.4
7	802930	BDY	REMOVE/REPLACE	HOOD PANEL	F2DZ 16612 A	d489.02	1.2
8	AUTO	REF	REFINISH	HOOD OUTSIDE			C 3.0
9	AUTO	REF	REFINISH	HOOD UNDERSIDE			C 1.2
10	803020	BDY	REMOVE/REPLACE	HOOD LATCH	F2DZ 16700 A	d32.57	0.3
11	803390	BDY	REMOVE/REPLACE	COOLING ELECTRIC FAN ASSY	F1DZ 8C607 D	208.78	0.7
12	800050	MCH	REMOVE/REPLACE	TRANS OIL COOLER -M	E6DZ 7A095 A	d102.72	0.6
13	805150	REF	BLEND	R FENDER OUTSIDE			2.0*
14	805160	REF	BLEND	L FENDER OUTSIDE			2.0*
15	806010	BDY	REPAIR	FRONT BODY RADIATOR SUPPORT -S	Existing		3.0* #
16		REF	REFINISH/REPAIR	FRONT BODY RADIATOR SUPPORT -S			0.5*
17	806106	BDY	REMOVE/REPLACE	L FRONT BODY BRACKET	F2DZ 8B455 B	d9.02	
18	900500	FRM *	REPAIR	SET UP & MEASURE	Existing		2.0*
19	900500	FRM *	REPAIR	PULL & SQUARE FRT UNIBODY	Existing		2.0*
20	900500	MCH *	REMOVE/REPLACE	POWER STEERING FLUID	** QUAL REPL PART	10.00 *	0.0*
21	936012		ADD'L COST	HAZARDOUS WASTE DISPOSAL		4.00 *	
22	AUTO	REF	ADD'L OPR	CLEAR COAT			2.0
23	933005	REF *	ADD'L OPR	RESTORE CORROSION PROTECTION		5.00 *	0.3*
24	933019	BDY	ADD'L OPR	TAPED STRIPE		5.00 *	0.5*
25	AUTO		ADD'L COST	PAINT/MATERIALS		408.00 *	

* - Judgment Item
 # - Labor Note Applies
 d - Discontinued by the Manufacturer
 C - Included in Clear Coat Calc

ESTIMATE RECALL NUMBER: 02/18/2008 17:11:58 301

Mitchell Data Version: MAR_08_A
 UltraMate Version: 6.0.029

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I. Labor Subtotals						II. Part Replacement Summary			
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals				Amount
Body	10.1	50.00	5.00	0.00	510.00 T	Taxable Parts			1,416.53
Refinish	13.9	50.00	5.00	0.00	700.00 T	Sales Tax	@	5.600%	79.33
Frame	4.0	50.00	0.00	0.00	200.00 T	Total Replacement Parts Amount			1,495.86
Mechanical	0.6	75.00	0.00	0.00	45.00 T				
						Taxable Labor			1,455.00
						Labor Tax	@	5.600 %	81.48
Labor Summary	28.6				1,536.48				
III. Additional Costs						IV. Adjustments			
					Amount				Amount
Taxable Costs					412.00	Insurance Deductible			0.00
Sales Tax			@	5.600%	23.07	Customer Responsibility			0.00
Total Additional Costs					435.07				
						I. Total Labor:			1,536.48
						II. Total Replacement Parts:			1,495.86
						III. Total Additional Costs:			435.07
						Gross Total:			3,467.41
						IV. Total Adjustments:			0.00
						Net Total:			3,467.41

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Insurance Co: CUSTOMER PAY ESTIMATE

Date: 4/2/2008 02:46 PM
 Estimate ID: E13849
 Estimate Version: 0
 Preliminary
 Profile ID: Brownell QCC

Brownell Quality Collision Center

10414 W. Greenfield Ave. , West Allis, WI 53214-3930
 (414) 774-0610
 Fax: (414) 774-0760

Damage Assessed By: DON GUTH

Condition Code: Fair
 Payer: Customer
 Claim Number: E13849

Deductible: NONE

Owner: CARLA GRANNEMAN
 Address: 836 S 76TH ST, WEST ALLIS, WI 53214
 Telephone: Home Phone: (414) 517-4556

Mitchell Service: 918620

Description: 1993 Ford Taurus GL
 Body Style: 4D Sed
 VIN: 1FACP52U1PG191540
 Mileage: 138,000
 Color: SILVER

Drive Train: 3.0L Inj 6 Cyl AO
 License: 972MEH WI

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	801098	REF	REFINISH	FRT STONE DEFLECTOR			C 1.3
2	AUTO	BDY	OVERHAUL	FRT BUMPER COVER ASSY			0.5
3	801190	BDY	REMOVE/REPLACE	FRT BUMPER COVER	Qual Recycled Part	200.00*	INC
4	AUTO	REF	REFINISH	FRT BUMPER COVER			C 2.4
5	801320	BDY	REMOVE/REPLACE	GRILLE OPENING REINFORCEMENT	** QUAL REPL PART	110.00 *	2.0 #
6	AUTO	BDY	CHECK/ADJUST	HEADLAMPS			0.4
7	802930	BDY	REMOVE/REPLACE	HOOD PANEL	** QUAL REPL PART	352.00*	1.2
8	AUTO	REF	REFINISH	HOOD OUTSIDE			C 3.0
9	AUTO	REF	REFINISH	HOOD UNDERSIDE			C 1.2
10	803020	BDY	CHECK/ADJUST	HOOD LATCH	Existing		0.3*
11	806030	BDY	ALIGN	UPR FRONT BODY TIE BAR	Existing		3.0*#
12	900500	BDY *	ADD'L LABOR OP	CORROSION PROTECTION	** QUAL REPL PART	5.00 *	0.3*
13	AUTO	REF	ADD'L OPR	CLEAR COAT			2.1*
14	AUTO		ADD'L COST	PAINT/MATERIALS		300.00 *	
15	AUTO		ADD'L COST	HAZARDOUS WASTE DISPOSAL		5.00 *	

* - Judgment Item
 # - Labor Note Applies
 C - Included in Clear Coat Calc

Remarks
 \$10.00 PAID AT TIME OF ESTIMATE

ESTIMATE RECALL NUMBER: 04/02/2008 14:46:57 E13849

Mitchell Data Version: FEB_08_V
 UltraMate Version: 6.0.028

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I. Labor Subtotals		Units	Rate	Add'l Labor Amount	Sublet Amount	Totals	II. Part Replacement Summary		Amount
Body		7.7	50.00	0.00	0.00	385.00 T	Taxable Parts		667.00
Refinish		10.0	50.00	0.00	0.00	500.00 T	Sales Tax	@ 5.600%	37.35
	Taxable Labor					885.00	Total Replacement Parts Amount		704.35
	Labor Tax		@ 5.600 %			49.56			
Labor Summary		17.7				934.56			
III. Additional Costs						Amount	IV. Adjustments		Amount
	Taxable Costs					305.00	Insurance Deductible		0.00
	Sales Tax		@ 5.600%			17.08	Customer Responsibility		0.00
	Total Additional Costs					322.08			
							I. Total Labor:		934.56
							II. Total Replacement Parts:		704.35
							III. Total Additional Costs:		322.08
							Gross Total:		1,960.99
							IV. Total Adjustments:		0.00
							Net Total:		1,960.99

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Point(s) of Impact
 12 Front Center (P)

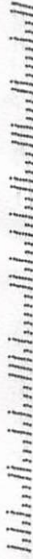
Body Shop: Brownell Quality Collision Center
 Address: 10414 W. Greenfield Ave.
 West Allis, WI 53214-3930
 Telephone: (414) 774-0610
 Fax Phone: (414) 774-0760

836 S. 76
West Allis WI
53214.

City of West Allis DPO.
Paul Zieher
6300 W McBooch Ave
West Allis, WI 53214



5321981447 0052





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

April 17, 2008

Carla Granneman
836 S. 76 St.
West Allis, WI 53214

Dear Ms. Granneman:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at S. 72nd St. and W. Beloit Rd. on February 8, 2008.

The original document will be submitted to the Common Council at its meeting of May 6, 2008.

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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

July 28, 2008

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 (6)(a) 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:

Carla and Kristine Granneman (\$1,525.00)

The following claims/lawsuits have been denied:

Colleen Devereey (\$10,748.21)

John Gardner (\$5,571.60)

Terrence and Jane Donaldson (\$1,000.00)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC