

35.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0196	Claim	Claim Report
	Marcellinia Caponigro communication regarding vehicle damage allegedly sustained at 1025 S. 104 St. on March 22, 2008.	
	Introduced: 3/31/2008	Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
		Weigel					
		TOTAL		5	-		

SIGNATURE OF COMMITTEE MEMBER

Krist Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10	-		



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

April 25, 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:

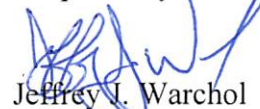
Marcellinia Caponigro— Amount \$3,439.09

This is a claim for property damage to the claimant's vehicle on March 22nd, 2008, when it was struck while legally parked and unoccupied by a City of West Allis snowplow operator while plowing snow heading in a northerly direction on 104th Street in the City of West Allis. The operator of the snowplow veered to get out of the way of another parked vehicle, lost control and then slid into the claimant's car causing damage to the bumper and front and rear doors. The claimant obtained two estimates and filed a claim against the City on March 26th, 2008, for repairs to her vehicle.

Our investigation into this matter indicated that the City's snowplow operator was primarily at fault for the accident by not maintaining proper control of his vehicle. The estimates submitted by the claimant were reasonable and from reputable auto repair facilities. Based on 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, this matter should be placed on file.

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da

PROPERTY DAMAGE ONLY RELEASE

KNOW ALL MEN BY THESE PRESENTS that MARCELLINIA CAPONIGRO, for and in consideration of Three-thousand Four-hundred Thirty-nine and 09/100 Dollars (\$3,439.09) 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 that certain accident on or about March 22nd, 2008, when a West Allis city snow plow, while snow plowing north on South 104th Street and maneuvering around an illegally parked vehicle, lost control and slid into a vehicle owned by Marcellinia Caponigro, which was unoccupied and legally parked in front of 1025 South 104th Street in the City of West Allis, Wisconsin, resulting in property damage to Ms. Caponigro'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.

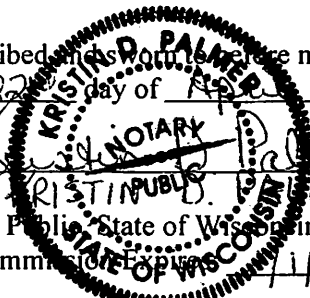
This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

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 22 day of April, 2008.

Marcellinia Caponigro
Marcellinia Caponigro

Subscribed and sealed before me
this 22 day of April, 2008.


Kristin D. Palmer
(*KRISTIN D. PALMER*)
Notary Public, State of Wisconsin
My Commission Expires 1/1/2012
JJW: da
L/Jeff/Claims/Releases/PD Only-M Caponigro

1025 S. 104th St
West Allis, Wisconsin 53214

March 25th, 2008

City Council
City of West Allis
7525 West Greenfield Ave.
West Allis, WI 53214

RECEIVED

MAR 25 2008

CITY OF WEST ALLIS
CLERK/TREASURER

Gentlepersons:

At 1:04AM on Saturday, March 22nd 2008 my 2001 Chevrolet cavalier was legally and appropriately parked in front of my house. The city snow plow slid into the driver side of my car causing considerable damage. Several police officers and city superiors were called to the scene.

While I am truly grateful for the superior job that the council and its staff perform on a daily basis in dealing with weather emergencies, I must respectfully request that you repair my car.

I have attached here to the police information sheet and the repair estimate.

Thank you very much for you consideration of my request.

Sincerely,



Marcellinia Caponigro
414-460-5294

2 Enclosures

A08032202

WEST ALLIS POLICE DEPARTMENT
DRIVER EXCHANGE AND INFORMATION SHEET

DATE: 03, 22, 08 TIME: 0104 HRS
LOCATION: 1025 S. 104 ST.
NAME: CITY OF WEST ALLIS
ADDRESS: _____
CITY: _____ ZIP: _____
PHONE: () _____
INSURANCE COMPANY NAME: SELF INSURED

FDRIVER.EX

Date: 3/24/2008 02:42 PM
 Estimate ID: E13797
 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: Good
 Payer: Customer
 Claim Number: E13797

Deductible: NONE

Owner: MARCELLINIA CAPONIGRO
 Address: 1025 S 104TH ST, WEST ALLIS, WI 53214
 Telephone: Home Phone: (414) 460-5294

Mitchell Service: 914493

Description: 2001 Chevrolet Cavalier
 Body Style: 2D Cpe
 VIN: 1G1JC124717338661
 Mileage: 70,032
 Color: SILVER
 Options: AUTOMATIC TRANSMISSION

Drive Train: 2.2L Inj 4 Cyl 4A FWD
 License: 750-MVG WI

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	400217	REF	BLEND	L FENDER OUTSIDE			C 0.8
2	400781	BDY	REMOVE/REPLACE	R ROCKER MOULDING	12463297 GM PART	295.32	0.6
3	AUTO	REF	REFINISH	R ROCKER MOULDING			C 1.3
4				AFTERMARKER BODY KIT			
5	400966	BDY	REMOVE/REPLACE	L FRT DOOR SHELL	Qual Recycled Part	275.00 *	4.8 #
6	AUTO	REF	REFINISH	L FRT DOOR OUTSIDE			C 2.2
7	AUTO	REF	REFINISH	L FRT ADD FOR JAMBS & INTERIOR			C 1.0
8				LINE MARKUP %25.00		68.75	
9	404305	BDY	REMOVE/REPLACE	L FRT DOOR ADHESIVE MOULDING	88892959 GM PART	82.84	0.1
10	AUTO	REF	REFINISH	L FRT DOOR MOULDING			C 0.5
11	403056	BDY	REPAIR	L QUARTER OUTER PANEL	Existing		4.0* #
12	AUTO	REF	REFINISH	L QUARTER PANEL OUTSIDE			C 2.0
13	403086	BDY	REMOVE/INSTALL	L QUARTER ADHESIVE MOULDING	Existing		0.2
14				R&R Time Used in R&I Operation			
15	403196	BDY	REMOVE/INSTALL	L REAR LAMP ASSY			0.3
16	403221	BDY	REMOVE/INSTALL	REAR BUMPER ASSY			1.2
17	AUTO	REF	ADD'L OPR	CLEAR COAT			2.2*
18	AUTO		ADD'L COST	PAINT/MATERIALS		300.00 *	
19	AUTO		ADD'L COST	HAZARDOUS WASTE DISPOSAL		5.00 *	

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

ESTIMATE RECALL NUMBER: 03/24/2008 14:42:53 E13797

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		11.2	50.00	0.00	0.00	560.00 T	Taxable Parts		653.16
Refinish		10.0	50.00	0.00	0.00	500.00 T	Parts Adjustments		68.75
							Sales Tax @ 5.600%		40.43
							Total Replacement Parts Amount		762.34
Labor Summary		21.2				1,119.36			
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:		1,119.36
							II. Total Replacement Parts:		762.34
							III. Total Additional Costs:		322.08
							Gross Total:		2,203.78
							IV. Total Adjustments:		0.00
							Net Total:		2,203.78

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

Point(s) of Impact
 9 Left Side (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



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

March 26, 2008

Marcellinia Caponigro
1025 S. 104 St.
West Allis, WI 53214

Dear Mr. Caponigro:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 1025 S. 104 St. on March 22, 2008.

The original document will be submitted to the Common Council at its meeting of March 31, 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

April 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.

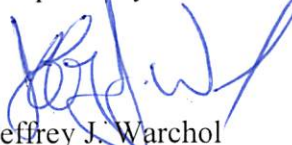
The following claims/lawsuits have been placed on file:

Richard Schell (\$116.16)
Park Bank/Wisconsin Athletic Club (\$10,000.00)
Marcellinia Caponigro (\$3,439.09)

The following claim/lawsuit has been denied:

Karen Schumacher (\$520.00)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC