

23



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0397 Claim Claim Report

Thomas Poppe communication requesting a refund of towing charges which allegedly occurred at 2197 S. 78 Street on February 6, 2008.

Introduced: 6/3/2008

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 05 2008	✓		Barczak				
			Czaplewski				
			Kopplin				✓
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	4	-		1

SIGNATURE OF COMMITTEE MEMBER

Chair _____ Vice-Chair *[Signature]* Member _____

COMMON COUNCIL ACTION

Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 05 2008			Barczak				✓
			Czaplewski	✓			
			Kopplin				✓
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	8	-		2



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

July 16, 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:

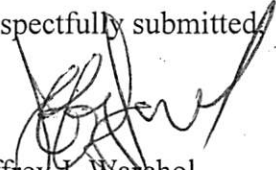
TrustSolutions, LLC/Mary Neustaedter (\$4,822.48)

CEI Services as Subrogees of GE Fleet Services/
Mary Kay Cosmetics/Sandra Hoeft (\$2,766.51)

The following claims/lawsuits have been denied:

Thomas Poppe (\$205.92)
Walters Wrecking Inc. (\$4,085.70)
Tracy Laverdure (\$2,354.00)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



July 14, 2008



OFFICE OF THE CITY ATTORNEY

Common Council
City of West Allis

Scott E. Post
City Attorney

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

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 denied:

Thomas Poppe - Amount: \$205.92

This is a claim for reimbursement for towing charges incurred by the claimant on February 28th, 2008, at or near 2197 South 78th Street, West Allis, WI when the claimant's vehicles were towed allegedly at the City's request by N&S towing due to the claimant parking said vehicles on the street in violation of a Temporary No Parking sign. Apparently, the Public Works Department placed Temporary No Parking signs in the street near the claimant's residence on February 26th, 2008, in an effort to remove excess snow that had accumulated in the street around that time. Although according to the claimant, the streets were cleaned and the project was complete on February 26th, 2008, the Temporary No Parking signs were not removed by the Public Works Department until February 28th, 2008, after the claimant's vehicles were towed. The claimant filed a claim on May 16th, 2008, for the cost of removing his two vehicles from the towing facility.

Our investigation of this matter indicated that the Temporary No Parking signs were indeed in place at the time the claimant's vehicles were removed from the street. The claimant is not in control of authorizing when the Temporary No Parking signs should be removed regardless of his beliefs that the snow removal project was complete. The Temporary No Parking signs may only be removed by the authority of the Public Works Director and not by any citizen of West Allis. Thus the claimant was in violation of the Temporary No Parking restrictions at the time as indicated in his claim, which resulted in the towing of his vehicles. The City is not negligent in this matter by not removing the Temporary No Parking signs immediately as the snowplow is clearing out the street. There may have been other reasons for said signs to remain in place after the initial plowing of the street, which is in the sole discretion of the Public Works Director.

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 Claim Statute 893.80.

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney



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

May 29, 2008

Thomas Poppe
2197 S. 78 St.
West Allis, WI 53219

Dear Mr. Poppe:

This letter acknowledges receipt of your communication requesting a refund of towing charges which allegedly occurred at or near 2197 S. 78 Street on February 28, 2008.

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

I suggest you go to the Police Department
to schedule a meeting with the City

Attorney regarding the parking tickets and write
a letter, on file a MR MURPHY

claim against the city regarding
the four charges. From Tom Popp (your mailman)

RECEIVED

MAY 16 2008

CITY OF WEST ALLIS
CLERK/TREASURER

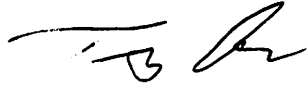
Dear Sirs

This letter is sent to you regarding reimbursement of towing charges that I incurred Due to the fact that my vehicles were towed by the cities request by N&S towing on the 28th of Feb 2008.

I went to court and explained the circumstances to the court and they dismissed the Tickets. The street were I live (Grant street) was targeted to have excess snow removed Due to the snowstorm we had a week prior. The street was cleaned on the 26th and the signs were never removed by the city after the cleanup. The signs were thrown in the street (most likely by some kids on there way to of from school) and I merely put the signs back where they were or I should say on the opposite side of the street. I did see some city workers the day prior and they stated that they would retrieve the signs but never did until the day my vehicles were towed. This put me through a very bad time that day as I was forced to miss work which cost me approx 175.00\$

I try to do my part for the city at all times and this was just not fair.

Thank you
Thomas Poppe
2197 s 78 street West Allis 53219



414 - 548 - ~~8557~~ 8557

CELL 828 - 5519

P.S. please contact me if further information is required.

RECEIVED

MAY 16 2008

CITY OF WEST ALLIS
CLERK/TREASURER



**"DAMAGE FREE"
TOWING**

N & S TOWING, INC.

1719 So. 83rd Street • West Allis, WI 53214

476-8697 • Fax 476-7828

- 24 HOUR ROAD SERVICE -

Handwritten signature



FLAT BED SERVICE

TOWED FOR <i>Thomas Poppe</i>				DATE <i>2/28/08</i>		CASH	<input checked="" type="checkbox"/>
ADDRESS <i>2197 S. 78</i>				RO#	PO#	CHARGE	
FLATBED TOW LOCKOUT START TIRE GAS				MAKE <i>Pont Vibe</i> YEAR		DRIVER	<i>JP</i>
LICENSE # <i>VB2672</i>	STATE <i>WI</i>	LOCATION <i>WA 8612-7801 W. Grand</i>				TRUCK #	<i>7500</i>
VIN # <i>5Y2SL6Y842460928</i>				MILEAGE			
NAME							
ADDRESS				PHONE () -			
DL# <i>P100-820631300</i>				DOB <i>4/10/63</i>		ADVANCE CHARGES	
ACC#				EXP: <i>4/10/10</i>		STORAGE <i>2/28/08 TO 1/1</i>	<i>10 00</i>
I agree to not hold N&S Towing responsible for damages done to my vehicle due to services provided by them unless negligence can be proven and also I agree to pay total amount of invoice according to card issuers agreement and/or N&S Towing's billing policy if credit voucher.						AUTHORIZATION # <i>0650413</i>	TAX <i>4 76</i>
						TOTAL	<i>89 76</i>

X *[Signature]* X
OWNER/REPRESENTATIVE DRIVER

70689



**"DAMAGE FREE"
TOWING**

N & S TOWING, INC.

1719 So. 83rd Street • West Allis, WI 53214

476-8697 • Fax 476-7828

- 24 HOUR ROAD SERVICE -



FLAT BED SERVICE

TOWED FOR Thomas Poppe		DATE 2, 28, 08		CASH	<input checked="" type="checkbox"/>
ADDRESS 2197 S. 78		RO#	PO#	CHARGE	
FLATBED TOW	LOCKOUT	START	TIRE	GAS	DRIVER off
LICENSE # EC4867 STATE WI		LOCATION WTA 8614-7801 W Grant	MAKE Dodge PL	YEAR 02	TRUCK # 1000
VIN # 3D7HU18N62G139681		MILEAGE			
NAME		ADDRESS			
DL# P100-8206 31300e		DOB 4/10/63		ADVANCE CHARGES	
ACC#		EXP: 4/10/10		STORAGE 21804 TO 1 1	10 00
I agree to not hold N&S Towing responsible for damages done to my vehicle due to services provided by them unless negligence can be proven and also I agree to pay total amount of invoice according to card issuers agreement and/or N&S Towing's billing policy if credit voucher.				AUTHORIZATION # 06504B	TAX 8 16
				TOTAL	116 16

X X
OWNER/ REPRESENTATIVE DRIVER

70690

I AGREE TO PAY ABOVE
TOTAL AMOUNT ACCORDING
TO CARD ISSUER AGREEMENT
THANK YOU
PLEASE CALL AGAIN!

CUSTOMER COPY

Reference No.: 915000525
Auth. Code: 06504B
Response: APPROVAL 06504B
Sequence Number: 0005

COPY
02/28/2008 12:32:37
Sale:

N & S TOWING
1719 S. 83 ST.
WEST ALLIS, WI 53214
(414)476-8697

inv# 70689
70690



NOTICE OF DISALLOWANCE OF CLAIM

August 6, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Poppe
2197 South 78th Street
West Allis, WI 53219

Re: Your Claim Against the City of West Allis
Date of Loss: 2/28/08

Dear Mr. Poppe:

At its meeting on August 5th, 2008, the Common Council of the City of West Allis considered your claim received on May 29th, 2008, regarding refund of towing charges allegedly occurred at or near 2197 South 78th Street, West Allis, 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 Poppe

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