

11.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

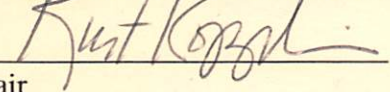
File Number	Title	Status
2008-0693	Claim	Claim Report
Dudley Griffin communication regarding vehicle damage allegedly sustained at 6300 W. McGeoch Ave. on October 24, 2008.		
Introduced: 11/5/2008		Controlling Body: Administration & Finance Committee

PLACE ON FILE

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JAN 06 2009			Barczak				
			Czaplewski				
		X	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
		TOTAL		5	-		

SIGNATURE OF COMMITTEE MEMBER


 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JAN 06 2009			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

December 19, 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 paid and placed on file:

Dudley Griffin— Amount \$976.32

This is a claim for property damage to the claimant's vehicle on October 24th, 2008, when a City employee, while operating a City vehicle in the Public Works yards located at 6300 McGeoch Avenue, West Allis, WI, sideswiped the vehicle owned and operated by the claimant causing damages to the driver's side mirror and door of said vehicle. The claimant obtained two estimates for repair and filed a claim against the City on October 29th, 2008, in the amount of \$976.32.

Our investigation of this incident indicated that the City employee was negligent by failing to keep a proper look out, as well as, failing to maintain a proper distance between his vehicle and the claimant's. The estimates provided by the claimant were reasonable and from reputable auto repair facilities. Pursuant to settlement guidelines, the City Attorney's Office paid the 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 DUDLEY GRIFFIN, for and in consideration of Nine Hundred Seventy-six and 32/100 Dollars (\$976.32) 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 incident in or about October 24th, 2008, when a City vehicle driven by a City of West Allis employee, while driving in the recycling yard at 6300 West McGeoch Avenue, West Allis, WI, struck the driver side mirror of Mr. Griffin's vehicle resulting in the mirror being pulled away from the vehicle and minor damage to the driver's side door.

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 15 day of December, 2008.

Dudley Griffin
Dudley Griffin

Subscribed and sworn to before me this 15 day of December, 2008.

Daryl M. Adams
(DARYL M. ADAMS)
Notary Public, State of Wisconsin
My Commission Expires: 12/31/10



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

October 30, 2008

Dudley Griffin
2859 N. 14 St.
Milwaukee, WI 53206

Dear Mr. Griffin

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 6300 W. McGeoch Ave. on October 24, 2008.

The original document will be submitted to the Common Council at its meeting of November 5, 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

10-29-08

On Friday, October 24th, 2008, my left driver side mirror was struck by a city employee driving a city vehicle. The accident caused the driver side mirror to be pulled from the door, not making the mirror stationary. The accident occurred in the West Allis Recycling yard located at 6300 West McBeach Avenue, in the City of West Allis. I have obtained two estimates for the damage repairs. I can be reached at 414.372.3449 after 3pm. My address is 2859 N. 14th Milw, WI 53206.

RECEIVED
OCT 29 2008
 CITY OF WEST ALLIS
 CLERK/TREASURER

Dudley Griffin
 Dudley Griffin
 2859 N. 14th
 Milw WI
 53206
 414.372.3449

HOLZ MOTORS, INC. BODY SHOP

5961 S.108TH PLACE

HALES CORNERS, WI 53130

DIRECT LINE: (414) 529-7848 & (414) 425-2400 FAX: (414) 529-7533

FEDERAL I.D. #39-0792093

CD LOG NO 9288-1 DATE 10/28/08

SHOP:
CITY STATE: , WI

INSP DATE: 10/28/08
CONTACT: BOB GRIESE

OWNER: D GRIFFIN HAULING
ADDRESS: 2859 N 14 ST
CITY STATE: MILWAUKEE, WI
ZIP: 53206

HOME PHONE: (414)372-3449

POINT OF IMPACT: 0

LIC#: BODY COLOR: WHITE
CONDITION:

STATE:

VIN: 1GBJC34K9RE273211
MILEAGE:
ACCTNG CTL#:

*=USER-ENTERED VALUE

EC=REPLACE ECONOMY

UM=REMAN/REBUILT PRT

OE=REPLACE PXN OE SRPLS

TE=PARTL REPL PRICE

I=REPAIR

TT=TWO-TONE

N=ADDITIONAL LABOR

AA=APPEAR ALLOWANCE

E=REPLACE OEM

UE=REPLACE OE SURPLUS

EU=REPLACE SALVAGE

PC=PXN RECONDITIONED

ET=PARTL REPL LABOR

L=REFINISH

CG=CHIPGUARD

RI=R&I ASSEMBLY

RP=RELATED PRIOR

NG=REPLACE NAGS

UC=RECONDITIONED PRT

EP=REPLACE PXN

PM=PXN REMAN/REBUILT

IT=PARTIAL REPAIR

BR=BLEND REFINISH

SB=SUBLET

P=CHECK

UP=UNRELATED PRIOR

1994 CHEVROLET C3500 CAB & CHASSIS 2DOOR STANDARD CAB 8CYL GASOLINE 5.7
CODE: U8249B/B OPTNS I/240

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
TINTED GLASS

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
I	0207		DOOR SHELL, FRONT	LT REPAIR				8.0	*1
L	0207	13	DOOR SHELL, FRONT	LT REFINISH				4.0	4
E	0158		BAR, MIRROR MOUNTING	LT 15634955 GM PART	43.39			0.3	1
E	0317		BAR, MIRROR MOUNTING	LT 15634953 GM PART	33.15				INC 1
RI	0215		GLASS, FRONT DOOR T	LT R&I ASSEMBLY				1.0	1
RI	0090		CHANNEL, FRONT GLASS	LT R&I ASSEMBLY				0.7	1

6 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					76.54
PAINT MATERIAL					120.00
PARTS & MATERIAL TOTAL					196.54
TAX ON PARTS & MATERIAL @				5.600%	11.01
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	52.00	2.0	8.0		520.00
2-MECH/ELEC	78.00				
3-FRAME	55.00				
4-REFINISH	52.00	4.0			208.00
5-PAINT MATERIAL	30.00				
LABOR TOTAL					728.00
TAX ON LABOR				@	5.600%
SUBLET REPAIRS					40.77
TOWING					
STORAGE					

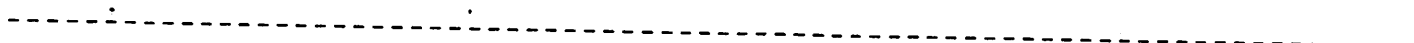
GROSS TOTAL 976.32

NET TOTAL 976.32

SHOPLINK U3508 ES CD LOG 9288-1 DATE 10/28/08 10:09:39AM R6.37 CD 10/08
 PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53130
 HOST LOG

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

1.2 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.



MC	Message
13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Gross Parts		\$795.24	
Other Parts		\$13.00	
Paint Materials		\$182.40	
Parts & Material Total			\$990.64
Tax on Parts & Material	@ 5.600%		\$55.48
Labor			
	Rate	Replace Hrs	Repair Hrs
			Total Hrs
Sheet Metal (SM)	\$52.00	6.0	1.0
Mech/Elec (ME)	\$90.00		
Frame (FR)	\$52.00		
Refinish (RF)	\$52.00	5.7	5.7
Paint Materials	\$32.00		
Labor Total			12.7 Hours
Tax on Labor	@ 5.600%		\$36.98
Sublet Repairs			\$5.00
Tax on Sublet	@ 5.600%		\$0.28
Gross Total			\$1,748.78
Net Total			\$1,748.78

Alternate Parts No
 Recycled Parts NOT REQUESTED

Audatex Estimating 5.0.520 ES 10/28/2008 10:28 AM REL 5.0.520 DT 10/01/2008
 Copyright (C) 2008 Audatex North America, Inc.

1.4 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Op Codes

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Reblt	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

December 22, 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.

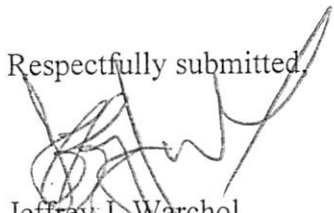
The following claim/lawsuit has been paid and placed on file:

Dudley Griffin (\$976.32)

The following claim/lawsuit has been denied:

We Energies/S. 70th & 71st Sts. & W. Washington Ave (\$18,500.63)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC