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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2003-0753 Claim Claim Report

Summons and Complaint in the matter of TOM HOLZRICHTER, d/b/a THE BEST WOOD JUDGE FIREWOOD, TREE & LANDSCAPING SERVICE V. CITY OF WEST ALLIS.

Introduced: 12/16/2003

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

allowed

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 03 2004</u>	✓		Barczak	✓			
			Czaplewski	✓			
			Dobrowski				
			Kopplin				
		✓	Lajsic	✓			
			Narlock				
			Reinke	✓			
			Sengstock				
			Vitale				
			Weigel	✓			
			TOTAL	5	1		

SIGNATURE OF COMMITTEE MEMBER

[Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

APPROVAL

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 03 2004</u>	✓		Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	10	1		

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



CITY OF WEST ALLIS

WISCONSIN



OFFICE OF THE CITY ATTORNEY

July 16, 2004

Common Council
City of West Allis

City Attorney
Scott E. Post

Assistant City Attorneys
Sheryl L. Kuhary
Jeffrey J. Warchol
Janilyn K. Knorr

Re: City Attorney's Report of Claim/Lawsuit

Dear Council Members:

The attached claim/lawsuit 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 as follows:

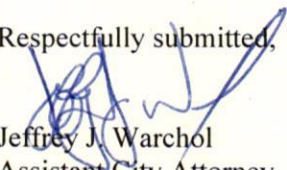
(Tom Holzrichter, d/b/a The Best Wood Judge Firewood, Tree and Landscaping Service – Amount \$5,500.00)

This is a claim for Breach of Contract by Tom Holzrichter, d/b/a The Best Wood Judge Firewood, Tree and Landscaping Service, dating back to a tree-pruning contract between the City of West Allis and Holzrichter on December 19, 2000. Mr. Holzrichter was paid the total amount of \$33,643.10 by the City of West Allis for all trees pruned by his company from January through May of 2001. Despite payment as stated above, as well as the City's perspective that the contract was not completed in a timely manner, Mr. Holzrichter felt that the City breached the contract by making the overall job more difficult and requested an additional payment in the amount of \$25,000.00. The claimant filed a formal claim on March 14, 2003, which was investigated by the City Attorney's Office and denied by the Common Council on July 1, 2003. On December 4th, 2003, the claimant filed a Breach of Contract action against the City in the Circuit Court of Milwaukee County (Case No. 93-CV-010767).

On May 13, 2004, the parties agreed to mediate the case before retired Judge Michael J. Barron and settled the case for the total amount of \$5,500.00. Based on the City Attorney's Office review of the file and the potential liability therein, as well as, its discussions with City employees in charge of the tree-pruning contract, the City Attorney's Office believed that it was prudent and reasonable to settle this case for said amount. Pursuant to settlement guidelines, the City Attorney's Office paid the claim in the amount of \$5,500.00 and obtained a Release of All Claims from Tom Holzrichter. On June 24, 2004, Judge Kremers dismissed the Milwaukee County Circuit Court action based upon the settlement of the parties and subsequent Stipulation and Order for the same.

Based upon the above, it is the recommendation of the City Attorney's Office to allow this claim in the amount of \$5,500.00.

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da



CITY OF WEST ALLIS

WISCONSIN



OFFICE OF THE CITY ATTORNEY

July 16, 2004

City Attorney
Scott E. Post

Assistant City Attorneys
Sheryl L. Kuhary
Jeffrey J. Warchol
Janilyn K. Knorr

Common Council
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

The attached 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 and the applicable law. Our Opinion regarding liability is attached to each claim.

It is the recommendation of this office that the following claim/lawsuit be allowed:

Rokamco Distributing, Inc. (\$979.38)

Tom Hozrichter, d/b/a The Best Wood Judge Firewood,
Tree & Landscaping Service (\$5,500.00)

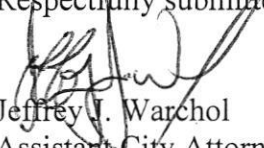
It is the recommendation of this office that the following claim/lawsuit be denied:

Chris White (\$2,079.18)

Donald Valona (\$66,420.00) (*2 jackets*)

Davies Water Equipment Co. of Milwaukee (\$6,755.00) (*2 jackets*)

Respectfully submitted,


Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



City of West Allis
Referral Notice
Common Council

7525 W. Greenfield Ave.
West Allis, WI 53214

To: City Attorney
From: Common Council
Date: Tuesday, December 16, 2003

The following items are being referred to you for your review and response. Special instructions may follow each item. Please contact the City Clerk if you cannot respond by the due date listed.

2003-0753 Summons and Complaint in the matter of TOM HOLZRICHTER, d/b/a THE BEST WOOD JUDGE FIREWOOD, TREE & LANDSCAPING SERVICE V. CITY OF WEST ALLIS.

Due Date:
Instructions:

allowed / cc mtg 8/3/04

If there are any questions concerning this notice, please direct them to the CITY CLERK.
