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# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0295	Claim	Claim Report
Mark Springfield communication regarding vehicle damage allegedly sustained on S 76th Street between W. Pierce St. and W. Washington St. on April 16, 2008.		
Introduced: 5/6/2008		Controlling Body: Administration & Finance Committee

## COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL - 1 2008</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale				✓
			Weigel				
		TOTAL		<u>4</u>			<u>1</u>

## SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin* \_\_\_\_\_  
 Chair Vice-Chair Member

## COMMON COUNCIL ACTION

*Denied*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL - 1 2008</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
		TOTAL		<u>9</u>			<u>1</u>



June 17, 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:**

**Mark Springfield - Amount: \$ 878.49**

This is a claim for property damages to the claimant's vehicle on April 16<sup>th</sup>, 2008, when the claimant struck a pothole in the road located at South 76<sup>th</sup> Street and West Washington Avenue in the City of West Allis, WI. The claim alleges the pothole to be 1½ feet long and 6 feet wide. The claimant allegedly needed three (3) new tires as a result of striking the pothole in question. The claimant obtained two estimates for repair and filed a claim against the City on May 1<sup>st</sup>, 2008.

Our investigation into this claim indicated that the area where the incident occurred has traverse joint failures in the street, which have been filled with asphalt patch material in the past and is routinely monitored until the resurface of the entire street, which is to take place in 2011. In a case like this involving a defect in the road, the City is only responsible for damages if the City knew about the defect prior to the incident and failed to repair the same in a reasonable amount of time. Here, the City did in fact know about the general condition of the street prior to the claimant's accident; however, by using asphalt patch along with regular monitoring, the City did all it could do to maintain the street absent a total resurfacing, which is unreasonable at this time and actually scheduled for 2011. Therefore, the City was not negligent in this case by attempting to maintain the street in the usual and customary method of repair pursuant to industry's standards, but that said repairs did not hold through the harsh elements of the winter season. This case would be different had the City taken no steps whatsoever to maintain the street once it knew of its general condition.

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 Claims Statute 893.80.

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da

**"Churchill Limousine"**  
**4740 South Pennsylvania Ave**  
**Cudahy, Wisconsin 53110**  
**{414} 486-5466 Fax {414} 486-7504**

*May 01, 2008*

*Re: Rim Damage*  
*2005 Excursion Limo*

*To: Whom it may Concern:*

*on 4-19-08*

*This letter is to inform your office about a Limousine tire rim has been damage due to a City pothole. The Vehicle is a 2005 Excursion Black was out on a Limousine run with clients when the Limousine Driver Duane Rutkowski was on east Bound on Oklahoma Ave {121<sup>st</sup> & 122<sup>nd</sup> Street} just pulling away from the curb I had gone about half a block when the Driver felt a jolt on the right front of the limo. I then pulled over and noticed the tire had blown and the rim was completely cracked all the way around. Any questions feel free to call my office at {414} 486-5466*

*Thank you,*  
*Churchill 111 Luxurious Limousine Service Inc,*

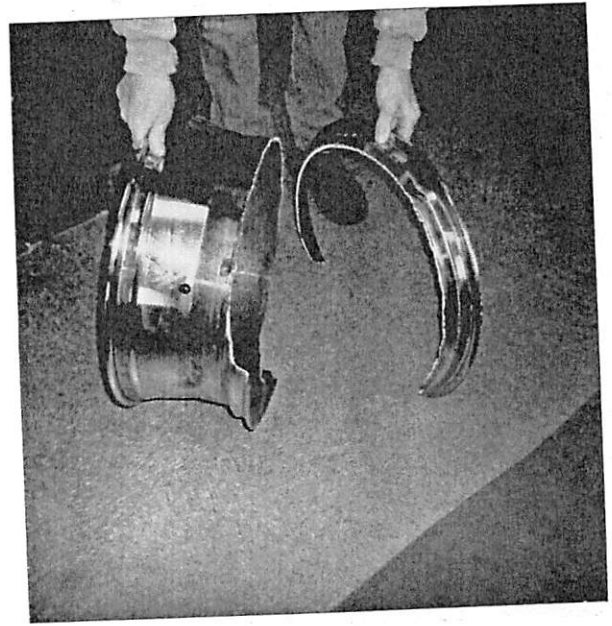
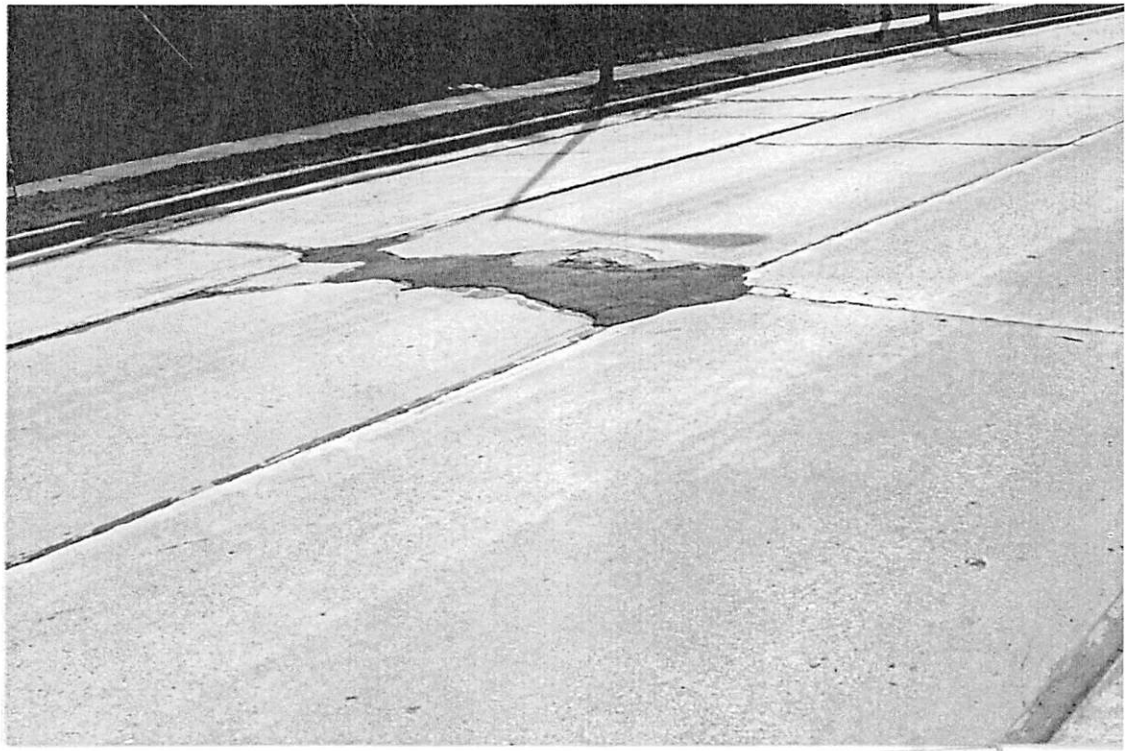
RECEIVED

MAY - 1 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

*cc Ashley*





FOREST TIRE CENTER, INC.  
 6012 W. WISKEY HOME AVENUE  
 GREENWICH, CT 06030  
 PH. (405) 475-8900

~~500000~~ *Att: Ken*  
 414-425-8900 Forest tires

Sold To: \_\_\_\_\_ ACCOUNT#: 1789177  
 CHURCHILL LIMCO DATE: 04/29/08  
 4740 S. PENNSYLVANIA AVE.  
 CUDAHY, WI 53110 Ph. 486-5466 QUOTATION #: -7337050

Sold By: #10 Rt:  
 Tx:0 EX#:004000015986701 C: COD: IWS:

Quantity	TC	MC	DP	Price	Size/Description/Mfr#	Unit Price	F.E.T.	Extended Amount
1.0				SC	22X9 B-170 OASIS LUACRIS	549.00		549.00
1.0	F			NFS	FREIGHT CHARGES	25.00		25.00
1.0	B			WAGE	OFF CAR ALLOYMT ONLY 22"	14.00		14.00
1.0	B			BFS	TAPE DYNAMIC BALANCE 20"-21"	14.95		14.95

Merchandise	Services & Other	F.E.T.	Subtotal	Sales Tax	Total
549.00	53.95	0.00	602.95	2.00	602.95

Comments:	Terms:	PO#	Misc. Adj.	Cash or Check #	Credit Card	Balance
			\$ 0.00	\$ 0.00	\$ 0.00	\$ 602.95

Received By: \_\_\_\_\_  
 NO REFUND OR EXCHANGES ON WHEELS OR PARTS. NO CASH BACK ON LAYAWAYS.  
 OTHER THAN MANUFACTURERS WARRANTIES. THERE ARE NO WARRANTIES EXPRESSED OR  
 IMPLIED BY FOREST TIRE CENTER.



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

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File Number	Title	Status
2008-0302	Claim	New Business
	Churchill 111 Luxurious Limosine Service, Inc. communication regarding vehicle damage allegedly sustained at W. Oklahoma Ave. near S. 121st & S. 122nd St. on April 19, 2008.	
	Introduced: 5/6/2008	Controlling Body: Common Council

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**CITY CLERK/TREASURER'S OFFICE**  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://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 2, 2008

Churchill 111 Luxurious Limousine Service, Inc.  
4740 S. Pennsylvania Ave.  
Cudahy, WI 53110

Dear Sir or Madam:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at W. Oklahoma Ave. near S. 121 St. & S. 122 St. on April 19, 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

June 24, 2008

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

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

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

Mark Springfield (Amount: \$878.49)

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosure

cc: Thomas E. Mann, CVMIC



**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

**NOTICE OF DISALLOWANCE OF CLAIM**

July 2, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Mark Springfield  
10324 West Birch Avenue  
Milwaukee, WI 53225

Re: Your Claim Against the City of West Allis  
Date of Loss: 4/16/08

Dear Mr. Springfield:

At its meeting on July 1<sup>st</sup>, 2008, the Common Council of the City of West Allis considered your claim received on May 1<sup>st</sup>, 2008, regarding vehicle damage allegedly sustained at South 76<sup>th</sup> Street between West Pierce Street and West Washington 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  
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cc: City Attorney's Office  
City Clerk's Office ✓