

#2
39.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0168 Claim Claim Report

Sarah J. Lerand communication regarding vehicle damage allegedly sustained at South 116th Street and West Greenfield Avenue on March 3, 2008.

Introduced: 3/18/2008

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION *Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 31 2008	_____	_____	Barczak	✓			
	_____	_____	Czaplewski	✓			
	_____	_____	Dobrowski				
	_____	_____	Kopplin				
	_____	_____	Lajsic	✓			
	_____	_____	Narlock				
	_____	_____ ✓	Reinke	✓			
	_____	_____	Sengstock				
	_____	_____	Vitale				
	_____	_____ ✓	Weigel	✓			
		TOTAL		5	-		

SIGNATURE OF COMMITTEE MEMBER

Chair _____

Vice-Chair _____

Member _____

COMMON COUNCIL ACTION *Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 31 2008	_____ ✓	_____	Barczak	✓			
	_____	_____	Czaplewski	✓			
	_____	_____	Dobrowski	✓			
	_____	_____	Kopplin	✓			
	_____	_____	Lajsic	✓			
	_____	_____	Narlock	✓			
	_____	_____	Reinke	✓			
	_____	_____	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

March 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 denied:

Sarah J. Lerand - Amount: \$ 549.89

This is a claim for damage to the claimant's vehicle on March 3rd, 2008, when the claimant struck a pothole in the road on Greenfield Avenue just west of 116th Street. Although this location is within the City of West Allis, Greenfield Avenue is a state highway and as such, is maintained by Milwaukee County and not the City of West Allis. Therefore, the City bears no liability for this incident. By letter of March 19th, 2008, the claimant has been notified of this so that she may re-file her claim with the appropriate entity should she so desire.

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

Sarah J. Lerand
Andrew J. Grove
2125 N 90th Street
Wauwatosa, WI 53226
Phone: (home) 414-810-3467
(work) 414-337-7023
email: sjlerand@yahoo.com

March 10, 2008

Dear Members of the Common Council,

I am writing to request reimbursement for damage caused our 2005 Chrysler Town and Country mini- van on Monday, March 3, 2008. On Monday, March 3, 2008 at 3pm, I was driving eastbound on Greenfield Avenue approaching 116th street in the City of West Allis in the left- hand lane at 25 miles per hour. I slowed when I noticed two large potholes approaching. I was able to avoid the potholes but encountered a large piece of concrete that had previously been a part of the road. I pulled over as soon as I recognized that my tire had gone flat.

I called for assistance in changing my tire (documentation included). The spare was placed and I brought my car in to have the tire serviced on Tuesday, March 4, 2008. I learned that day that the damage included not only a tire but also the wheel bearing was damaged in the incident and needed replacement (documentation included).

I had my four- year old son in the car with me and was thankful that I was not in an accident that day. It has been a difficult winter and I recognize that it has been hard to keep up with the road conditions. However, I feel I did all I could to avoid damage to my vehicle given the conditions that day. I did return on Monday, March 10th to take pictures (included) and did notice that the potholes had been filled.

I am asking for the City of West Allis to reimburse me \$549.89 for damages incurred on my vehicle that day.

Thank you for your time looking into this matter. Please do not hesitate to contact me for any further information.

Sincerely,



Sarah J. Lerand



EWALD'S MAYFAIR CHRYSLER JEEP, INC.

2201 N. Mayfair Road • Milwaukee, WI 53226
 Tel: 414-777-4363 • Fax: 414-302-9422
 www.ewaldauto.com

SERVICE DEPT. HOURS
 Monday - Friday
 6:30 AM - 7:00 PM
 Saturday
 6:30 AM - 4:00 PM



CELL: 414-841-3576

CUSTOMER NO. 143708	ADVISOR CHRIS AHANGAR	956	TAG NO. 454	INVOICE DATE 03/05/08	INVOICE NO. CHCS60721
AJ GROVE 2125 N 90TH ST WAUWATOSA, WI 53226-2703	LICENSE NO.	MILEAGE 28,702	COLOR 7	STOCK NO.	
	YEAR / MAKE / MODEL 05/CHRYSLER/TOWN & COUNTRY/4 DOOR ST	DELIVERY DATE		DELIVERY MILES	
	VEHICLE I.D. NO. 2 C 8 G P 5 4 L 0 5 R 5 4 2 2 6 8	SELLING DEALER NO.		PRODUCTION DATE	
	F.T.E. NO.	P.O. NO.	R.O. DATE 03/04/08	REPRINT# 1	
RESIDENCE PHONE 414-810-3467	BUSINESS PHONE	COMMENTS			MO: 28706

[EWALD REWARD #] 120252003040
 JOB# 1 CHARGES-----

LABOR-----
 J# 1 45CHZ STEERING/SUSPENSION HOURS: 2.20 TECH(S):341 WARRANTY
 C/S THERE IS A NOISE HEARD COMING FROM THE FRONT WHEN TURNING THE STEERING WHEEL. SOP RACK HERE.
 LEAKING
 R/R STEERING LEAKING INNER SEAL
 SE TOE

PARTS-----QTY-----FP-NUMBER-----DESCRIPTION-----UNIT PRICE-----	WARRANTY
1 4766250-AN GEAR RACK 19001012	WARRANTY
1 5013457-AA FLUID AUT 1081018	WARRANTY
TOTAL - PARTS	
0.00	

JOB# 1 TOTALS-----
 JOB# 1 JOURNAL PREFIX CHCS JOB# 1 TOTAL 0.00

JOB# 2 CHARGES-----
 LABOR-----
 J# 2 46CHZ06 TIRE REPAIR HOURS: TECH(S):341 174.89
 C/S TIRE IN HATCH IS FROM THE RIGHT FRONT. HIT A POT HOLE AND THE TIRE WENT FLAT. PLEASE INSPECT.
 MOUNT BAL ONE .5 STOW SPARE R.R R WHEEL BEARIN PLAY NOISY 1.5

PARTS-----QTY-----FP-NUMBER-----DESCRIPTION-----UNIT PRICE-----	WARRANTY
1 4641517-AD BEARING B 5005006	231.84
1 TBR00307-28 TIRE NONE 22001031	124.00
TOTAL - PARTS	
355.84	

MISC-----CODE-----DESCRIPTION-----CONTROL NO-----

D03Z SERVICE PARTS COUPON	-5.00
D04 SERVICE LABOR COUPON	-5.00
TOTAL - MISC	
-10.00	

JOB# 2 TOTALS-----
 LABOR 174.89
 PARTS 355.84
 MISC -10.00
 JOB# 2 JOURNAL PREFIX CHCS JOB# 2 TOTAL 520.73



OUR SERVICE POLICY

COMPLETE CUSTOMER SATISFACTION OR WE WILL REDO THE WORK AT NO CHARGE, OR REFUND YOUR MONEY FOR 90 DAYS OR 4000 MILES, WHICHEVER OCCURS FIRST.

Any warranties on the products sold hereby are those made by the manufacturer. The seller, EWALD AUTOMOTIVE, hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Payment Requirements: all charges are due upon pickup of vehicle.

DATE CUSTOMER NOTIFIED

CUSTOMER SIGNATURE

X



THANK YOU

Motor vehicle repair trade practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911.



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www.ewaldauto.com

SERVICE DEPT. HOURS

Monday - Friday

6:30 AM - 7:00 PM

Saturday

6:30 AM - 4:00 PM



CELL: 414-841-3576

CUSTOMER NO. 143708		ADVISOR CHRIS AHANGAR	956 TAG NO. 454	INVOICE DATE 03/05/08	INVOICE NO. CHCS60721
AJ GROVE 2125 N 90TH ST WAUWATOSA, WI 53226-2703		LICENSE NO.	MILEAGE 28,702	COLOR 7	STOCK NO.
YEAR / MAKE / MODEL 05/CHRYSLER/TOWN & COUNTRY/4 DOOR ST		VEHICLE I.D. NO. 2 C 8 G P 5 4 L 0 5 R 5 4 2 2 6 8		DELIVERY DATE	DELIVERY MILES
RESIDENCE PHONE 414-810-3467		F.T.E. NO.		P.O. NO.	R.O. DATE 03/04/08
BUSINESS PHONE		COMMENTS		REPRINT# 1	
					MO: 28706

TOTALS-----

 * NEXT RECOMMENDED SERVICE:
 * 06/03/2008 / 31050 MI 04CHZLOF LUBE OIL AND FILTER *

 * COME AND SEE THE 2008 MODELS! *
 * *
 * PLEASE NOTICE NEW HOURS M-TH = 7:00AM-7:00PM *
 * FRI 7:00AM-6:00PM SAT 7:00AM - 1:00PM *
 * DO YOU HAVE OUR NEW EWALD REWARDS CARD? *

*****SAVE YOUR COUPONS FOR YOUR NEXT VISIT*****

* CASH [] CHECK [] *
 * CREDIT CARD [VISA CHARGE ACCT [] *
 ***** EWALD'S APPRECIATES YOUR BUSINESS! *****

TOTAL LABOR.... 174.89
 TOTAL PARTS.... 355.84
 TOTAL SUBLET... 0.00
 TOTAL G.O.G.... 0.00
 TOTAL MISC CHG. 0.00
 TOTAL MISC DISC -10.00
 TOTAL TAX..... 29.16

TOTAL INVOICE \$ 549.89

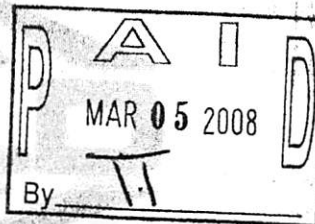


OUR SERVICE POLICY

COMPLETE CUSTOMER SATISFACTION
 OR WE WILL REDO THE WORK AT NO
 CHARGE, OR REFUND YOUR MONEY
 FOR 90 DAYS OR 4000 MILES
 WHICHEVER OCCURS FIRST

Any warranties on the products sold hereby are those made by the manufacturer. The seller, EWALD AUTOMOTIVE, hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Payment Requirements: all charges are due upon pickup of vehicle.

CUSTOMER SIGNATURE



DATE CUSTOMER NOTIFIED

CUSTOMER SIGNATURE

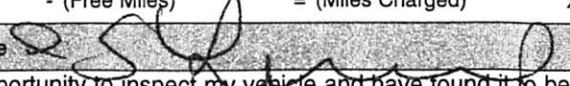


THANK YOU

Motor vehicle repair trade practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911.

AUTO RESCUE

MILWAUKEE, WI. 1-888-266-6360

Date 3/30/08		Technician Tim Lambert		Requested By	
P. O. Number			Name Sarah		
Member Number		Phone 414-841-3576		Alt Phone	
Address 111th			City West Allis		Grid
Location & Service Information					
Apt. / Business Greenfield		Building #	Apt. #	Gate Code	
Location Notes					
Call Time	AM PM	ETA	Start	AM PM	Finish
<input type="checkbox"/> Lock Out <input type="checkbox"/> Jump Start <input type="checkbox"/> Fuel <input checked="" type="checkbox"/> Tire Change <input type="checkbox"/> Tire Air <input type="checkbox"/> GOA/NSR					
Vehicle Information					
Year, Make, Model 05 Town & Country		Color Blue		LP #	State
V.I.N. Number ZC8G6P54L0S2542268				Odometer 29,000	
Lockout Release Section - Condition of Door(s) upon arrival					
<input type="checkbox"/> Previously Attempted Opening By Another Party - Damage To Door / Door Frame				Passenger Door Driver Door	
<input type="checkbox"/> Worn / Damaged Weather Stripping - Window Broken / Scratched - Tint Scratched				Passenger Door Driver Door	
<input type="checkbox"/> Non Functioning Door Handle / Door Lock - Missing Door Handle / Lock				Passenger Door Driver Door	
Notes					
I have requested that my vehicle be unlocked using lockout tools and/or keys. I understand that there is a possibility of damage to the door, door frame, weather-stripping, paint, locking mechanism, glass, window tinting or air bags when using these tools and thereby release the person(s) and/or company of all responsibility, both civil and criminal, in a court of law. I will accept full responsibility should any damage occur. Initial:					
General Vehicle Condition					
Jump Start: <input type="checkbox"/> Battery Cracked / Broken <input type="checkbox"/> Cables and/or Clamps / Loose / Corroded / Broken / Missing					
Tire Change: <input type="checkbox"/> Tire / Wheel Damaged <input type="checkbox"/> Missing / Damaged Lug Nuts <input type="checkbox"/> Missing / Damaged Studs					
Fuel Delivery: <input type="checkbox"/> Fuel Door Missing / Broken <input type="checkbox"/> Fuel Cap Missing / Damaged					
Notes					
Method Of Payment					
<input type="checkbox"/> Cash <input type="checkbox"/> Visa <input type="checkbox"/> MC <input type="checkbox"/> AMEX <input type="checkbox"/> Discover <input type="checkbox"/> Check		DL#:		St:	D.O.B:
CC #:		Exp:		Approval #	
Mileage / Charges / GOA/NSR Authorized by:					
(Miles Driven)	- (Free Miles)	= (Miles Charged)	X(Rate)	=	Mileage (+)
Authorized Signature 					Gas (+)
I have had the opportunity to inspect my vehicle and have found it to be in good working order, and that no damage has occurred to the vehicle including doors, door frames, paint, glass, window tint, rims, lug nuts/studs, body or underbody as a result of the service. I also acknowledge that all equipment such as jacks, lug wrenches, lug nut keys, and special tools belonging to me or the vehicle have been returned in good working order. Initial:					Labor (+)
					Sub Total (=)
					Customer Pay (-)
6765		Thank you for using Auto Rescue			Invoice Amount (=)



Claim Details

[Messages](#)

Find information about your vehicle inspection, any payments made by USAA and your applicable rental car details. We regularly update your claim details so be sure to come back and check the progress of your claim.

If you need to speak with a representative regarding your claim, please contact:

Phoenix Claims Office
1-800-531-USAA(8722)

Frequently Asked Questions (FAQs)

[What is the claims process?](#)

[How will I be paid?](#)

[What happens after my car has been inspected?](#)

[View All Questions](#)

Status of Your Claim

Claim Overview

Below is the status of your claim. If there is someone else involved in this loss and you are determined to be responsible, you will not see their details here.

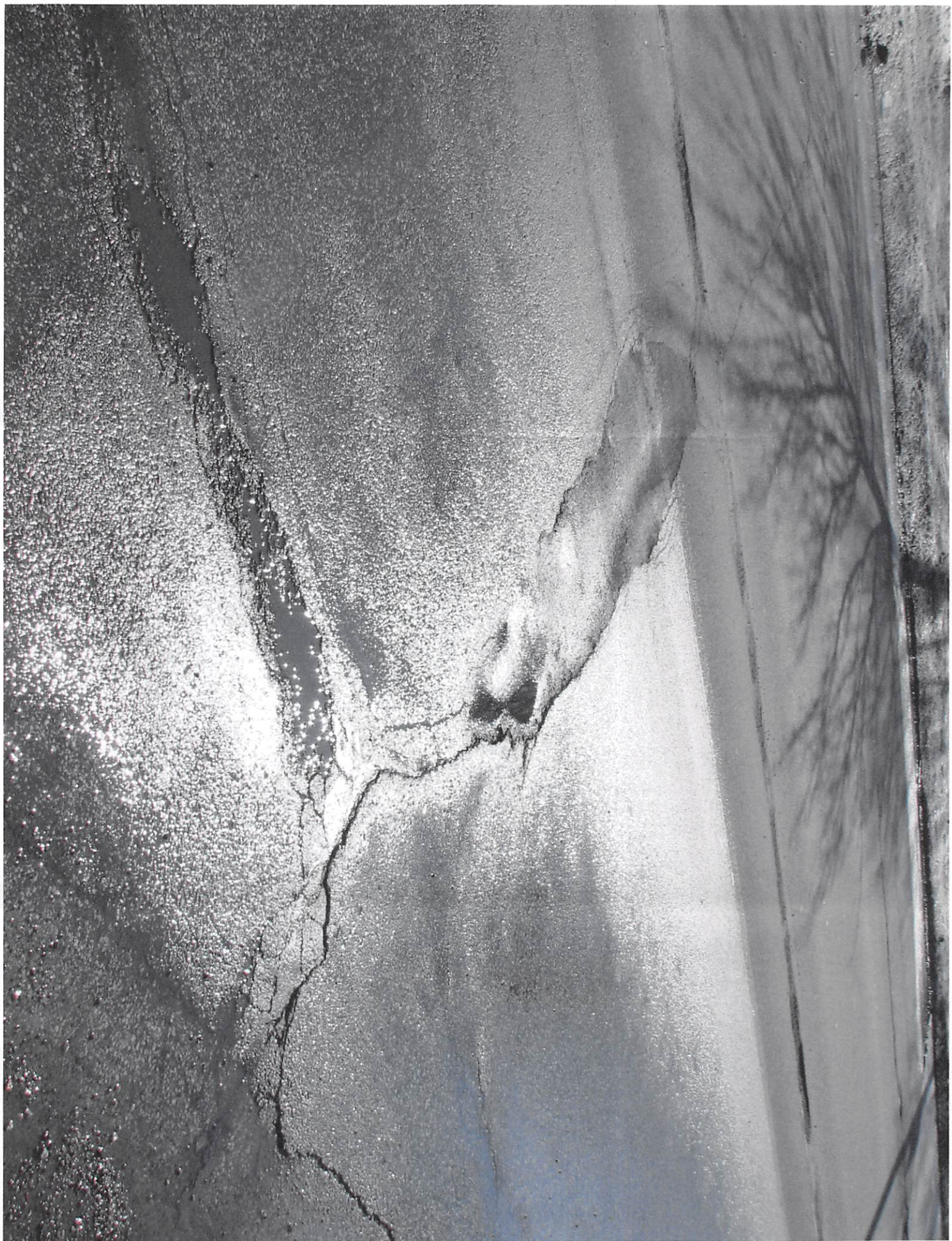
Status of:

<u>Vehicle Claim</u>	In progress
<u>USAA Number</u>	12423035
<u>Loss Date</u>	03/03/2008
<u>Type of Claim</u>	Automobile: Towing and labor
<u>Insured Vehicle</u>	2005 CHRYSLER TOWN AND COUNTRY TOURING VIN: 2C8GP54L05R542268
<u>Location of Loss</u>	West Allis, WI

[View All Claims](#)



Intersection 3110108



Pothole - fixed 3/10/08

Road debris from road break down 3/10/01





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 13, 2008

Ms. Sarah J. Lerand
2125 N. 90 Street
Wauwatosa, WI 53226

Dear Ms. Lerand:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at South 116 Street and West Greenfield Avenue on March 3, 2008.

The original document will be submitted to the Common Council at its meeting of March 18, 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

/jl

cc: City Attorney



City of West Allis

Referral Notice

Common Council

7525 W. Greenfield Ave.
West Allis, WI 53214

To: City Attorney
From: Common Council
Date: Tuesday, March 18, 2008

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.

2008-0168 Sarah J. Lerand communication regarding vehicle damage allegedly sustained at South 116th Street and West Greenfield Avenue on March 3, 2008.

Due Date:
Instructions:

RECEIVED
MAR 19 2008
WEST ALLIS
CITY ATTORNEY

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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

March 19, 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:

Erin McGinley (\$777.85)
Corey Brozovich (\$3,435.66)

The following claims/lawsuits have been denied:

Sarah J. Lerand (\$549.89)
Paul Martens (\$2,120.00)
Juro J. Gajdosik (Assessment Removal)

Respectfully submitted,

Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

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

April 3, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sarah J. Lerand
2125 North 90th Street
Wauwatosa, WI 53226

Re: Your Claim Against the City of West Allis
Date of Loss: March 3, 2008

Dear Ms. Lerand:

At its meeting on March 31st, 2008, the Common Council of the City of West Allis considered your claim received on March 13th, 2008, regarding vehicle damage allegedly sustained at West Greenfield Avenue and South 116th 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-S Lerand

cc: City Attorney's Office
City Clerk's Office