

6-30.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0700 Claim Claim Report

Word of Grace Bible Church communication regarding property damage allegedly sustained on June 19, 2009 at 2660 S. 88 St.

Introduced: 11/3/2009

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Denial

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
DEC 01 2009			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		X	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
		TOTAL		5	-		

SIGNATURE OF COMMITTEE MEMBER

Kurt S. Kopplin
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

Denied

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
DEC 01 2009			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				✓
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
		TOTAL		9			1



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

November 16, 2009

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(8) 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:

Word of Grace Bible Church - Amount: \$500.00

This is a claim for property damage to carpeting within the claimant's lower level (Fellowship Hall), as well as costs associated with carpet cleaning, at 2660 South 88th Street, West Allis, WI on or about June 19th, 2009, when the claimant experienced storm sewer backup in the lower level of the church building. On October 27th, 2009, the claimant filed a Claim against the City of West Allis in the total amount of \$500.00.

Our investigation in this claim revealed that the interceptor sewer maintained by MMSD became overloaded on the day in question from the unusual amount of rain in the area. This overloading prevented the interceptor sewer from properly discharging, which in turn, caused the City's system to become overloaded resulting in flooding in many areas throughout the City. The investigation further indicated that sewer systems in general are not designed to handle the extreme amount of water flow that occurred in this area from the rains in June of 2009. Although the storms have caused a great deal of stress and flooding for many people in the area, no negligence can be attributed to the City for this true act of God.

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



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 28, 2009

Word of Grace Bible Church
2660 S. 88 St.
West Allis, WI 53227

To Whom it May Concern:

This letter acknowledges receipt of your communication regarding property damage at 2660 S. 88 St. on June 19, 2009

The original document will be submitted to the Common Council at its meeting of November 3, 2009.

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

RECEIVED

OCT 27 2009

CITY OF WEST ALLIS
CLERK/TREASURER

Common Counsel
7525 W. Greenfield Ave.
West Allis, WI 53214

October 15, 2009

Dear Common Counsel,

On June 19, 2009 our church building (at 2660 South 88th Street) experienced an enormous amount of flooding throughout the entire lower level in our "Fellowship Hall." We initially thought that it was because of the severe thunderstorm we had during the evening that night. However, we had never had water in the lower level prior to this storm. Those who were present that night, said they saw the water coming out of the wall (where the wall meets the floor), as if the drain tiles were over flowing. We were at a complete loss, with all the damage, and terribly inconvenienced with our Sunday and Wednesday services (whereby both levels are functional and used regularly).

We purchased this building last year in August and we are new to the neighborhood. In recent weeks we have discovered that nearly the entire block of 88th Street (north of Cleveland Ave.) had experienced the same unfortunate occurrence in their basements. We have been told that this was due to a city storm sewer backing up, and as a result, blocking up all of our drain tiles throughout the neighborhood. We were also told that this had happened last year (in June) and the neighborhood was promised that this problematic city storm sewer would be rectified. Numerous neighbors confided that this storm sewer backup had been worse then last year, because they actually had raw sewage coming up through basement plumbing (such as toilets), and through floor drains.

Our church has three toilets and two urinals on the lower level, and due to the enormous amount of water, we are uncertain as to how much (or if any) sewage came up. As a church, we initially tried numerous disinfectants to eliminate the overwhelming stench coming from the carpets in our "Fellowship Hall." Eventually we had to have the lower level carpets professionally cleaned (some carpets done twice). We also had to rip out the two carpets (and padding) in both our nursery rooms. Just recently (in September) we were finally able to replace and install these carpets.

We are hopeful that this storm sewer on 88th (between Cleveland and Harrison) will not be an issue for the city of West Allis next year. Please consider reimbursing us for our expenses of \$500. dollars (enclosed are the receipts).

Word of Grace Bible Church
2660 So. 88th Street
West Allis, WI 53227
414-321-8880



#2518
6-29

Word of Grace
Name Bible Church

2660 S 88th
Address:

West Allis WI 53227
City

414/321-8880

Phone 226/752-0264 Ref
Arrival time 3:00

"POWER CLEANING"

Day/Date: 6/24/04

- Special _____ areas/vents for \$ _____ * denotes services in special.
- Fabric Guard _____ Deod/Neutralizer _____
 - Dryer vent _____ Air ducts _____
 - Living Room _____ Dining Room _____
 - Hall _____ Fam' Great Room _____
 - Stairs _____ Rug _____
 - Bedroom/Mattress _____ Closet _____
 - Kitchen _____ Bathroom _____
 - Basement _____ Den/Office _____
 - Sofa _____ Loveseat _____
 - Chair _____ Grapery _____
 - Business _____ Restaurant _____

AMOUNT \$350.00

Pay to: A-1 QUALITY STEAM

TAX _____
TOTAL \$350.00

4388 S IOWA AVE

ST. FRANCIS WI 53235

THANK YOU!!

414 481-1884

Elliott's FLOOR STORE

IF YOU NEED IT ON YOUR FLOOR
WE HAVE IT IN THE STORE

#2048
8.31

PROPOSAL

COMMERCIAL & RESIDENTIAL
FREE ESTIMATES

Proposal No.

Sheet No.

Date

Ready for pick-up

262-641-0088 / fax 262-641-0085 / 3055 N. 124th Street / Brookfield, WI 53005
(1/2 block south of Burleigh on 124th)

PROPOSAL SUBMITTED TO

WORK TO BE PERFORMED AT

Name Word of GRACE Bible Church [Pastor Tom Stogall]
 Address 2660 S. 88th Street
 City, State & Zip West Allis, WI
 Telephone Number 414-321-8880
 Cell Phone Number _____
 E-Mail Address www.WOGRBC.ORG

Address _____
 City, State & Zip _____
 Date of Plans Matthew
 Contact Person _____
 Contact Phone Number VANDRE
 Cell Phone Number 262-752-0264 (H)

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of

Style Name & Number: Lynchburg 20 -# 50165

Color Name & Number: Blue Diamond -# 65495

Quantity: 12 X 24 LF = 32 sq

Description of work to be done: wash & carry

* Call Matthew Vandre @ 262-752-0264 for pick-up.

\$5.50/sy [Five dollars and 50/100]

* \$0.50/sy shipping [fifty cents per sq. ft.]

REF# 1109472

\$6.00/sy + TAX

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

Subtotal - \$192.00
 5.6% Tax - \$10.75
\$202.75

Dollars (\$ 192.00).
 Tax 10.75
 Deposit COD
 Balance Due \$202.75

with payments to be made as follows:



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

November 17, 2009

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(8) 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:

J&B Construction Co., Inc. (\$2,030.54)

The following claims/lawsuits have been denied:

Word of Grace Bible Church (\$500.00)
Theresa Wolf (\$750.00)

Respectfully submitted,

Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



NOTICE OF DISALLOWANCE OF CLAIM

December 4, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Word of Grace Bible Church
Attn: Pastor Thomas Stegall
2660 South 88th Street
West Allis, WI 53227

Re: Your Claim Against the City of West Allis
Date of Loss: 10/27/09

Dear Pastor Stegall:

At its meeting on December 1st, 2009, the Common Council of the City of West Allis considered your claim received on October 27th, 2009, regarding alleged property damage to lower level of church building sustained at 2660 South 88th 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

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