

#42



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

| File Number | Title | Status |
|---|-------|--|
| 2008-0571 | Claim | Claim Report |
| Jamie Aldama communication regarding vehicle damage allegedly sustained at 2108 S. 69 St. on August 15, 2008. | | |
| Introduced: 9/2/2008 | | Controlling Body: Administration & Finance Committee |

COMMITTEE RECOMMENDATION

Deny

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|--------------|-------|----------|------------|-----|----|---------|---------|
| OCT 07 2008 | ✓ | | Barczak | | | | |
| | | | Czaplewski | | | | |
| | | | Kopplin | ✓ | | | |
| | | | Lajsic | ✓ | | | |
| | | | Narlock | ✓ | | | |
| | | | Reinke | ✓ | | | |
| | | | Roadt | | | | |
| | | | Sengstock | | | | |
| | | ✓ | Vitale | ✓ | | | |
| | | | Weigel | | | | |
| | | | TOTAL | 5 | 0 | | |

SIGNATURE OF COMMITTEE MEMBER

Rust Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|--------------|-------|----------|------------|-----|----|---------|---------|
| OCT 07 2008 | ✓ | | Barczak | ✓ | | | |
| | | | Czaplewski | ✓ | | | |
| | | | Kopplin | ✓ | | | |
| | | | Lajsic | ✓ | | | |
| | | ✓ | Narlock | ✓ | | | |
| | | | Reinke | ✓ | | | |
| | | | Roadt | ✓ | | | |
| | | | Sengstock | ✓ | | | |
| | | | Vitale | ✓ | | | |
| | | | Weigel | ✓ | | | |
| | | | TOTAL | 10 | - | | |



OFFICE OF THE CITY ATTORNEY

September 12, 2008

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:

Jamie Aldama - Amount: \$ 505.82

This is a claim for damage to the claimant's vehicle that occurred on August 15th, 2008, while the claimant was backing out of his garage located at 2108 South 69th Street in West Allis, Wisconsin. As the claimant backed out of the garage, he apparently did not see a garbage cart that was lying on its side directly in front of the garage door and struck the cart causing damage to the rear bumper of his vehicle. The claimant assumed that the City of West Allis refuse collector failed to return the cart to its proper place next to the garage and therefore, blames the City for this incident. The claimant obtained estimates from two repair facilities and filed a claim against the City on August 20th, 2008.

Our investigation of this claim revealed that the claimant never saw a City employee place the cart in front of his garage; he merely assumes that this is the case. When questioned, the City employees who picked up the garbage from the claimant's residence stated that they would never leave a garbage cart directly behind a garage door at any residence. There are numerous possibilities of how the garbage cart came to be located in a position on its side directly behind the claimant's garage door. However, there is no evidence whatsoever that the City was negligent in this matter by placing the cart in front of the garage or failing to return the cart to its proper location after refuse pick-up. Furthermore, despite where the cart was at the time of the incident, the claimant had the duty of looking behind the vehicle before backing it up, which he failed to do.

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

August, 15 th 2008

*Paul Ziehler
City Administrative Officer*

*My name is Jamie Aldama,I live at 2108 S 69 th. St.West Allis.
I had an incident this morning regarding a garbage cart that was
Carelessly thrown behind my Garage door, As I usually do in the mornings
or whenever I take my Vehicle out of the garage I get in and push my
automatic door opener check my rear view mirror and proceed to back out
of my Garage.As the garbage cart was lying on its side instead of standing
upright I could not see it in my mirror and procedded to back out.
Due to the negligence of the sanitary person who did not replace the cart in
its proper place, I have suffered damage to my vehicles rear end.
I have a lot of pride and try to keep all of my possessions looking very neat
and clean including my Home here in West Allis. I feel that the employee of
the city was careless about his duties and is to blame for the damage to my
2004 Lincoln.Enclosed are 2 Estimates for the Damages,I thank you for
your quick attention to this matter.*

*Respectfully
Jamie Aldama*

RECEIVED

AUG 20 2008

**CITY OF WEST ALLIS
CLERK/TREASURER**

GORDIE BOUCHER LINCOLN MERCURY INC
 3161 SOUTH 108TH STREET
 WEST ALLIS, WI 53227
 PHONE: 414/327-6000
 LICENSE#: ASA#:

CD LOG NO 9931-1 DATE 08/15/08

SHOP: BOUCHER COLLISION CENTER INSP DATE: 08/15/08
 ADDRESS: 3161 S 108TH ST CONTACT: WALLY ZIESEMER
 CITY STATE: WEST ALLIS, WI PHONE 1: (414) 546-8385
 ZIP: 53227- PHONE 2: (414) 546-8385
 FAX: (414) 546-5825
 EMAIL: BOUCHER.COLLISION@GORDIE.COM

OWNER: ALDAMA, JAMIE D. HOME PHONE: (414) 545-3689

POINT OF IMPACT: 9

LIC#: TDZ-338 STATE: WI VIN: 1LNHM86S24Y628594
 BODY COLOR: GREY MILEAGE: 33,000
 CONDITION: GOOD ACCTNG CTL#:

DRIVEABLE: YES VEH. INSP#:

| | | |
|-------------------------|-----------------------|----------------------|
| *=USER-ENTERED VALUE | E=REPLACE OEM | NG=REPLACE NAGS |
| EC=REPLACE ECONOMY | UE=REPLACE OE SURPLUS | UC=RECONDITIONED PRT |
| UM=REMAN/REBUILT PRT | EU=REPLACE SALVAGE | EP=REPLACE PXN |
| OE=REPLACE PXN OE SRPLS | PC=PXN RECONDITIONED | PM=PXN REMAN/REBUILT |
| TE=PARTL REPL PRICE | ET=PARTL REPL LABOR | IT=PARTIAL REPAIR |
| I=REPAIR | L=REFINISH | BR=BLEND REFINISH |
| TT=TWO-TONE | CG=CHIPGUARD | SB=SUBLET |
| N=ADDITIONAL LABOR | RI=R&I ASSEMBLY | P=CHECK |
| AA=APPEAR ALLOWANCE | RP=RELATED PRIOR | UP=UNRELATED PRIOR |

2004 LINCOLN LS V6 LUXURY 4DOOR SEDAN 6CYL GASOLINE 3.0
 CODE: Q2103A/E OPTNS C/24EQ

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 AUTOMATIC TRANS

TWO-STAGE - INTERIOR SURFACES
 ROOF MOUNTED AIRBAGS

| OP | GDE | MC | DESCRIPTION | MFG. PART NO. | PRICE | AJ% | B% | HOURS | R |
|----|------|----|-----------------------|---------------------|-------|-----|----|-------|-----|
| N | 0566 | | REAR BUMPER COVER R&I | ADDNL LABOR OPERA | | | | 1.6 | 1 |
| I | 0566 | | COVER, REAR BUMPER | REPAIR | | | | 1.0 | *1 |
| L | 0566 | 13 | COVER, REAR BUMPER | REFINISH | | | | 3.8 | 4 |
| | | | | 2.7 SURFACE | | | | | |
| | | | | 0.6 TWO STAGE SETUP | | | | | |
| | | | | 0.5 TWO STAGE | | | | | |
| L | M15 | | COLOR TINT | REFINISH | | | | 0.5 | *4* |
| N | M60 | | HAZARD. WSTE. REM. | ADDNL LABOR OPERA | 5.00* | | | | *1* |

5 ITEMS

MC MESSAGE(S)
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

| | | | | |
|---------------------------|-------|-------------|------------|--------|
| OTHER PARTS | | | | 5.00 |
| PAINT MATERIAL | | | | 129.00 |
| PARTS & MATERIAL TOTAL | | | | 134.00 |
| TAX ON PARTS & MATERIAL @ | | | 5.600% | 7.50 |
| LABOR | RATE | REPLACE HRS | REPAIR HRS | |
| 1-SHEET METAL | 50.00 | | 2.6 | 130.00 |
| 2-MECH/ELEC | 85.00 | | | |
| 3-FRAME | 55.00 | | | |
| 4-REFINISH | 50.00 | 4.3 | | 215.00 |
| 5-PAINT MATERIAL | 30.00 | | | |
| LABOR TOTAL | | | | 345.00 |
| TAX ON LABOR | | @ | 5.600% | 19.32 |
| SUBLET REPAIRS | | | | |
| TOWING | | | | |
| STORAGE | | | | |
| GROSS TOTAL | | | | 505.82 |
| NET TOTAL | | | | 505.82 |

SHOPLINK U1996 ES CD LOG 9931-1 DATE 08/15/08 09:49:32AM R6.37 CD 07/08
EDU: 0808 HOST LOG
(C) 1998 - 2007 AUDATEX NORTH AMERICA, INC.

1.1 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX 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.

SOUTHWAY AUTO BODY INC
 6030 W GREENFIELD AVE (SHOP LOCATED AT: 1361 S 59TH ST)
 WEST ALLIS, WI 53214
 PHONE: 414-476-5620 FAX: 414-476-9605
 FED. ID#: 39-1626935

CD LOG NO 771-1 DATE 08/16/08

SHOP:
 CITY STATE: , WI

INSP DATE: 08/16/08
 CONTACT: TOM

OWNER: ALDAMA, JAMIE
 ADDRESS: 2108 S.69TH ST.
 CITY STATE: WESTALLIS, WI
 ZIP: 53219

POINT OF IMPACT: 0

DAYS TO REPAIR: 1

LIC#: TDZ38
 BODY COLOR: BROWN
 CONDITION: EXCELLENT

STATE: WI

VIN: 1LNHM86S24Y628594
 MILEAGE:
 ACCTNG CTL#:

DRIVEABLE: YES

VEH. INSP#:

*=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
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 CG=CHIPGUARD
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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

2004 LINCOLN LS V6 LUXURY 4DOOR SEDAN 6CYL GASOLINE 3.0
 CODE: Q2103A/E OPTNS C/24EQ

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
 AUTOMATIC TRANS

TWO-STAGE - INTERIOR SURFACES
 ROOF MOUNTED AIRBAGS

| OP | GDE | MC | DESCRIPTION | MFG. PART NO. | PRICE | AJ% | B% | HOURS | R |
|----|------|----|--------------------|---------------|-------|-----|----|-------|---|
| L | 0566 | 13 | COVER, REAR BUMPER | REFINISH | | | | 3.8 | 4 |

1 ITEMS

MC MESSAGE(S)
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

2004 LINCOLN LS V6 LUXURY 4DOOR SEDAN
CD LOG NO 771-1

| | | | | |
|---------------------------|-------|-------------|------------|--------|
| PAINT MATERIAL | | | | 106.40 |
| PARTS & MATERIAL TOTAL | | | | 106.40 |
| TAX ON PARTS & MATERIAL @ | | | 5.600% | 5.96 |
| LABOR | RATE | REPLACE HRS | REPAIR HRS | |
| 1-SHEET METAL | 50.00 | | | |
| 2-MECH/ELEC | 70.00 | | | |
| 3-FRAME | 50.00 | | | |
| 4-REFINISH | 50.00 | 3.8 | | 190.00 |
| 5-PAINT MATERIAL | 28.00 | | | |
| LABOR TOTAL | | | | 190.00 |
| TAX ON LABOR | | @ | 5.600% | 10.64 |
| SUBLET REPAIRS | | | | |
| TOWING | | | | |
| STORAGE | | | | |
| GROSS TOTAL | | | | 313.00 |
| NET TOTAL | | | | 313.00 |

SHOPLINK UP965 ES CD LOG 771-1 DATE 08/16/08 09:44:48AM R6.37 CD 07/08
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53214
HOST LOG
(C) 1998 - 2007 AUDATEX NORTH AMERICA, INC.

1.1 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX 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.

Mr. Jamie Aldama
2108 South 69th Street
West Allis, WI 53219

MILWAUKEE WI 532

19 AUG 2008 PM 6 T



Clerk/Treas

Paul Ziehler
City Administrative Officer
Clerk/Treasurer
West Allis City Hall
7525 W. Greenfield Avenue
West Allis, WI 53214

53214+488E





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

August 25, 2008

Mr. Jamie Aldama
2108 S. 69 St.
West Allis, WI 53219

Dear Mr. Aldama:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at the 2108 S. 69 St., on August 15, 2008.

The original document will be submitted to the Common Council at its meeting of September 2, 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

September 16, 2008

Common Council
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

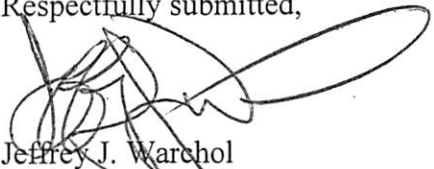
Dear Council Members:

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.

It is the recommendation of this office that the following claims/lawsuits be denied:

Underground Electric Facility at 78th & Becher/We Energies (No Demand)
Jamie Aldama (\$505.82)
American Family Insurance Group on Behalf of Edward Krause (\$1,232.40)
Edward Krause (\$500.00)

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

October 10, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jamie Aldama
2108 South 69th Street
West Allis, WI 53219

Re: Your Claim Against the City of West Allis
Date of Loss: 8/15/08

Dear Mr. Aldama:

At its meeting on October 7th, 2008, the Common Council of the City of West Allis considered your claim received on August 25th, 2008, regarding vehicle damage allegedly sustained at 2108 South 69th 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-J Aldama

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