

9.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2008-0552	Claim	Claim Report
John J. Mulhaney communication regarding vehicle damage allegedly sustained at or near the 1500 block of S. 80 St. on July 22, 2008.		
Introduced: 9/2/2008		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 16 2008			Barczak				
			Czaplewski				
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke				✓
			Roadt				
			Sengstock				
			Vitale	✓			
		Weigel					
		TOTAL		4	0		1

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION Denied

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 16 2008			Barczak	✓			
			Czaplewski	✓			
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke				✓
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		9			1



OFFICE OF THE CITY ATTORNEY

August 25, 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:

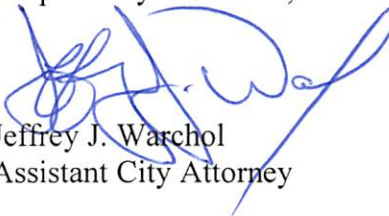
John J. Mulhaney - Amount: \$343.22

This is a claim for property damage to the claimant's vehicle on July 22nd, 2008, when the claimant allegedly ran over a pothole in the street at or near the 1500 Block of South 80th Street, West Allis, WI. As a result of the accident, the claimant needed a front-end alignment, as well as, replacement of other minor parts having to do with the front end of his vehicle. On or about August 5th, 2008, the claimant filed a claim against the City for repair of his vehicle in the total amount of \$343.22.

The investigation of this claim by the Department of Public Works indicated that no potholes could be found in the area referenced by the claimant in his claim. Even if a pothole was located, the City is only responsible for defects in streets if the City was aware of the defect prior to the incident and took no action to repair the same. Obviously, this is not the case with this claim and therefore, this matter should be handled by the claimant's automobile liability insurance carrier.

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,

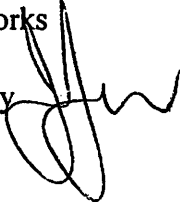


Jeffrey J. Warchol
Assistant City Attorney

JJW:da

MEMORANDUM

RECEIVED
AUG 15 2008
WEST ALLIS
CITY ATTORNEY

TO: Mike Pertmer, Director of Public Works
FROM: Jeff Warchol, Assistant City Attorney 
DATE: August 5, 2008
SUBJECT: Claim Against the City of West Allis By John J. Mulhaney

The attached claim has been filed against the City of West Allis. It is requested that you conduct an investigation and provide written advice to this office of your findings and recommendations as to the disposition. Also, in the event there is a pothole at the location described by the claimant, please have it repaired as our liability accrues once we are aware of the defective condition.

Thank you for your assistance and cooperation.

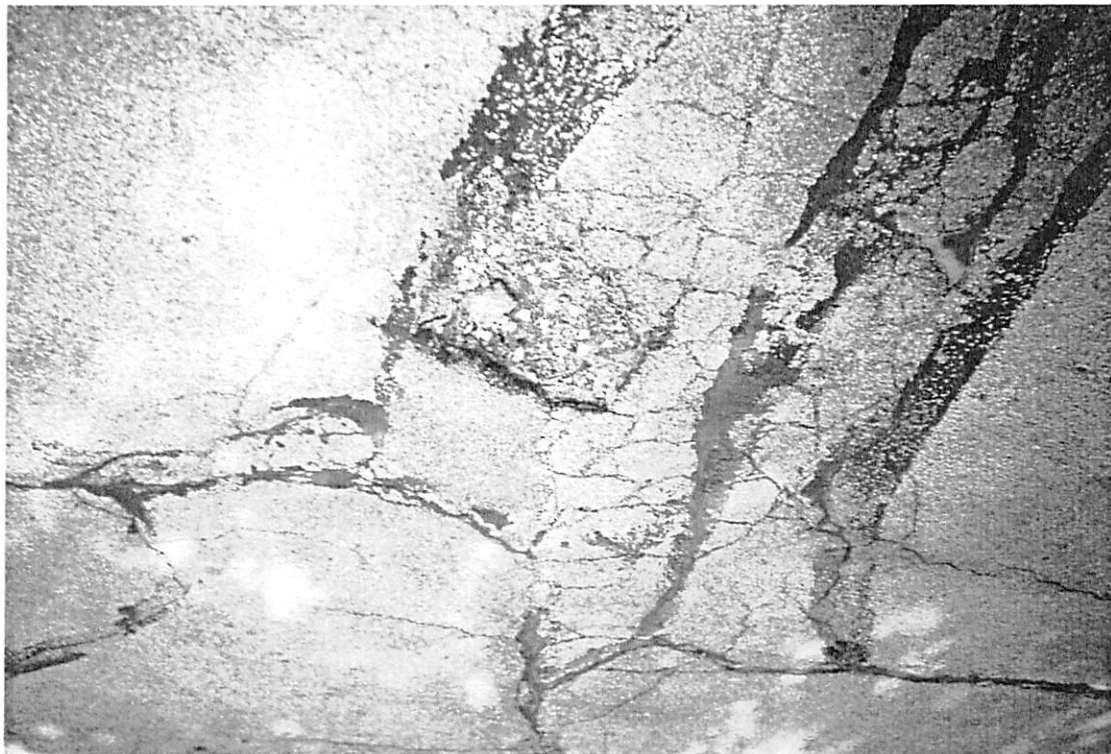
JJW:da
Attachment

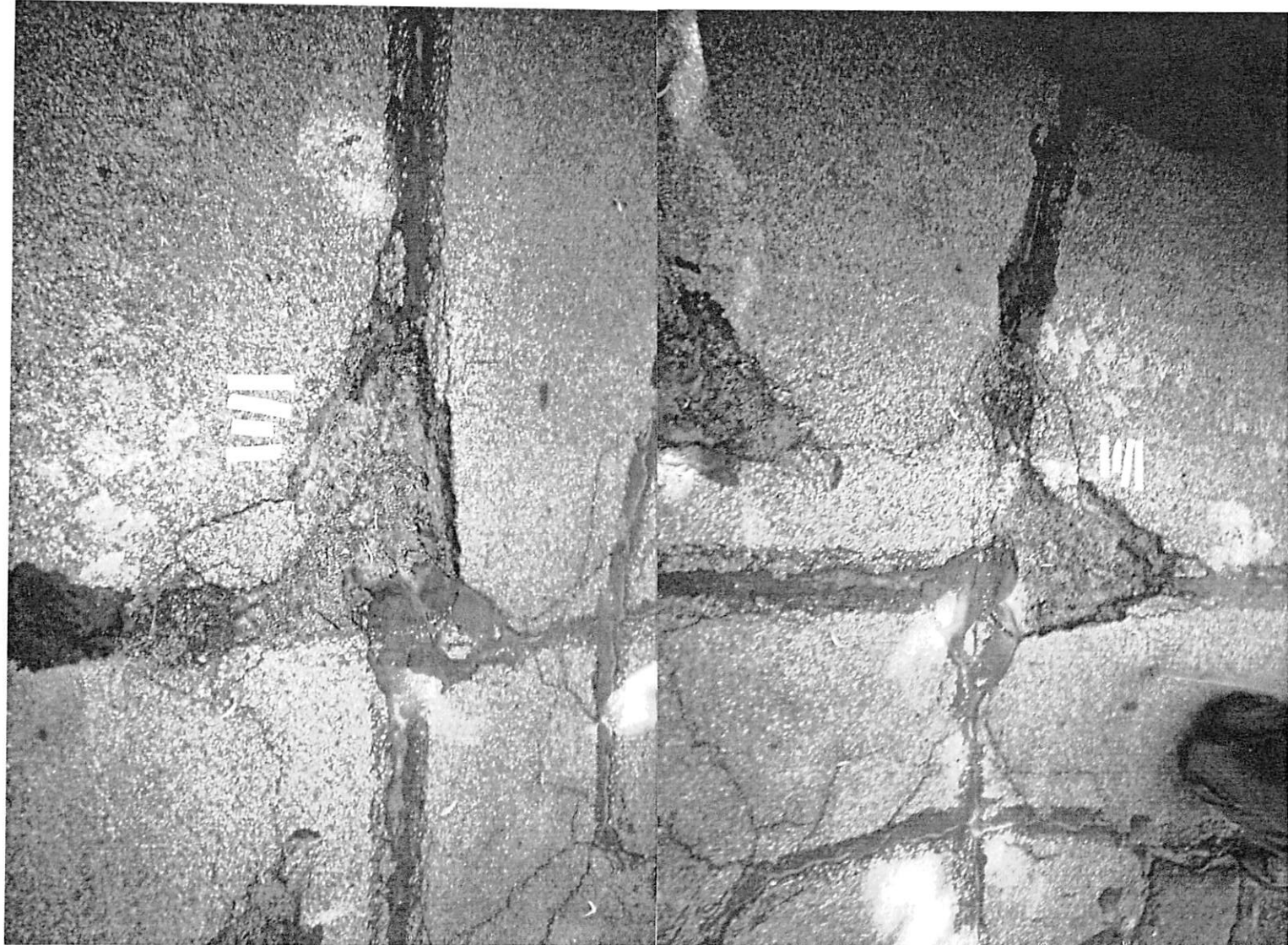
L:\jeff\claims\memos\Memo-Pertmer, Mike

Handwritten note:
JJW
can't see any
potholes either
all on your
truck

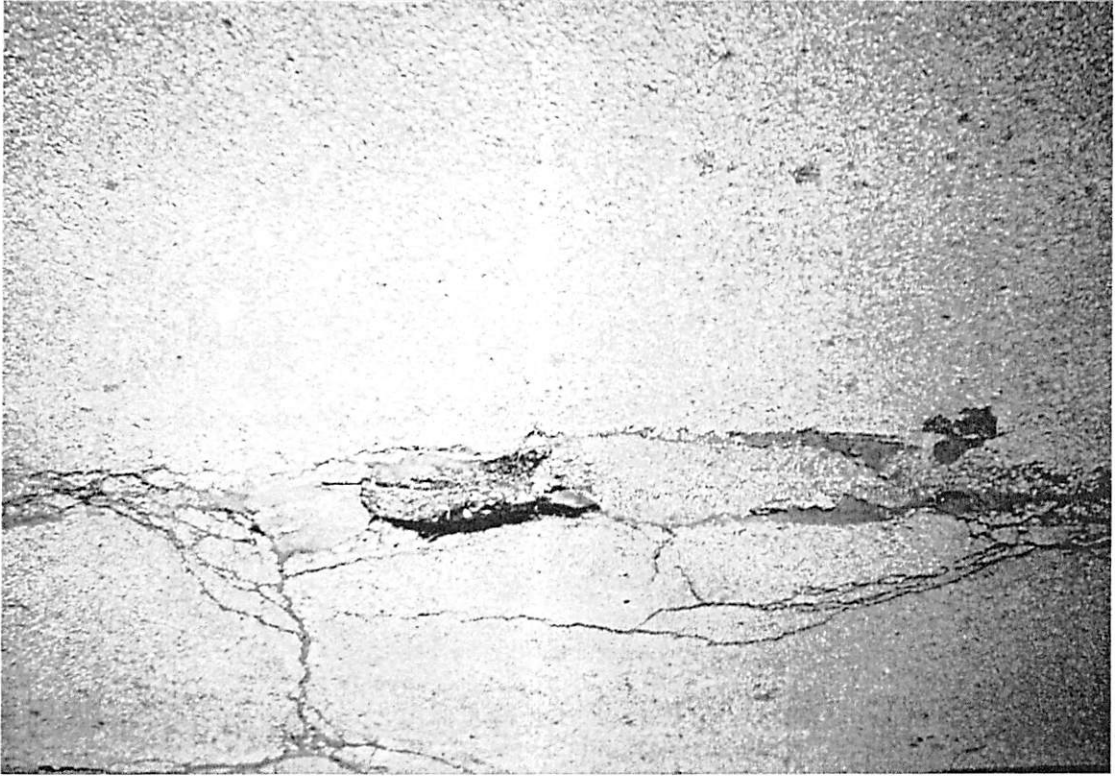


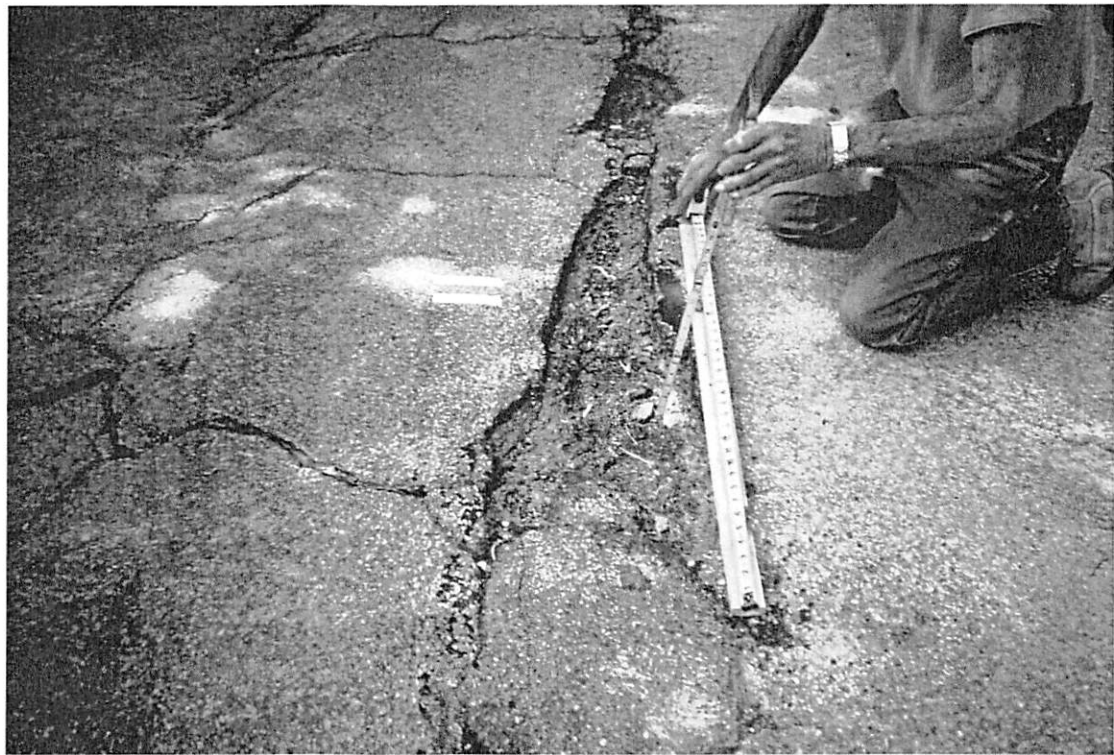


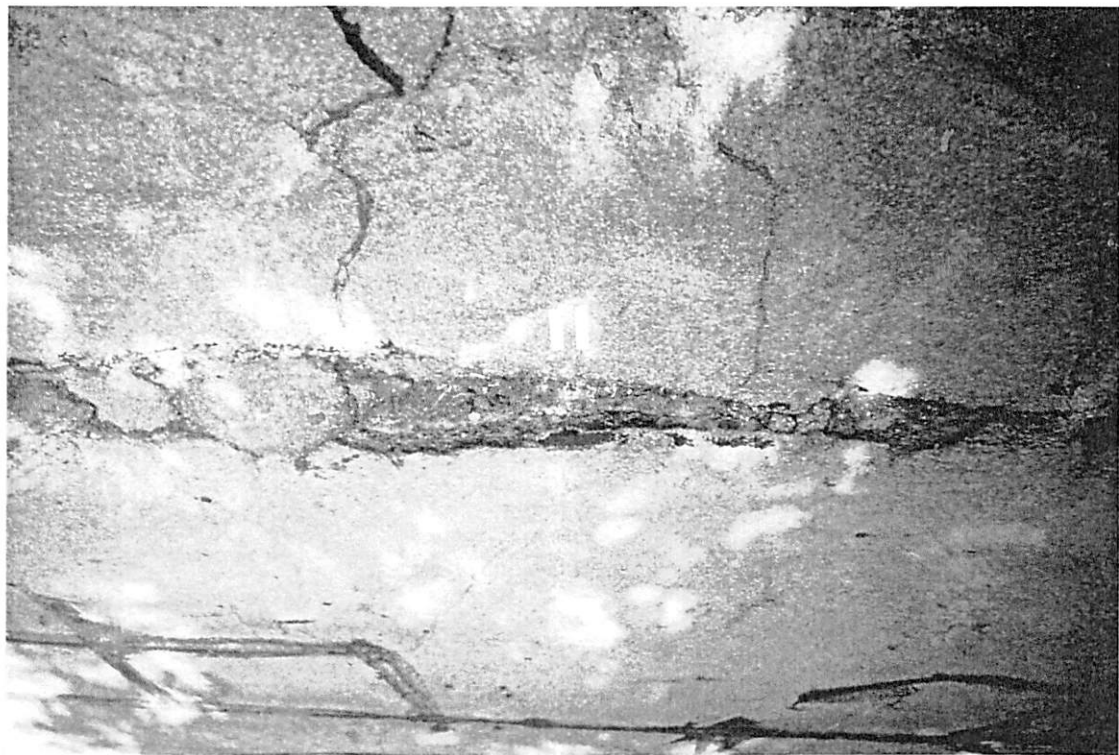




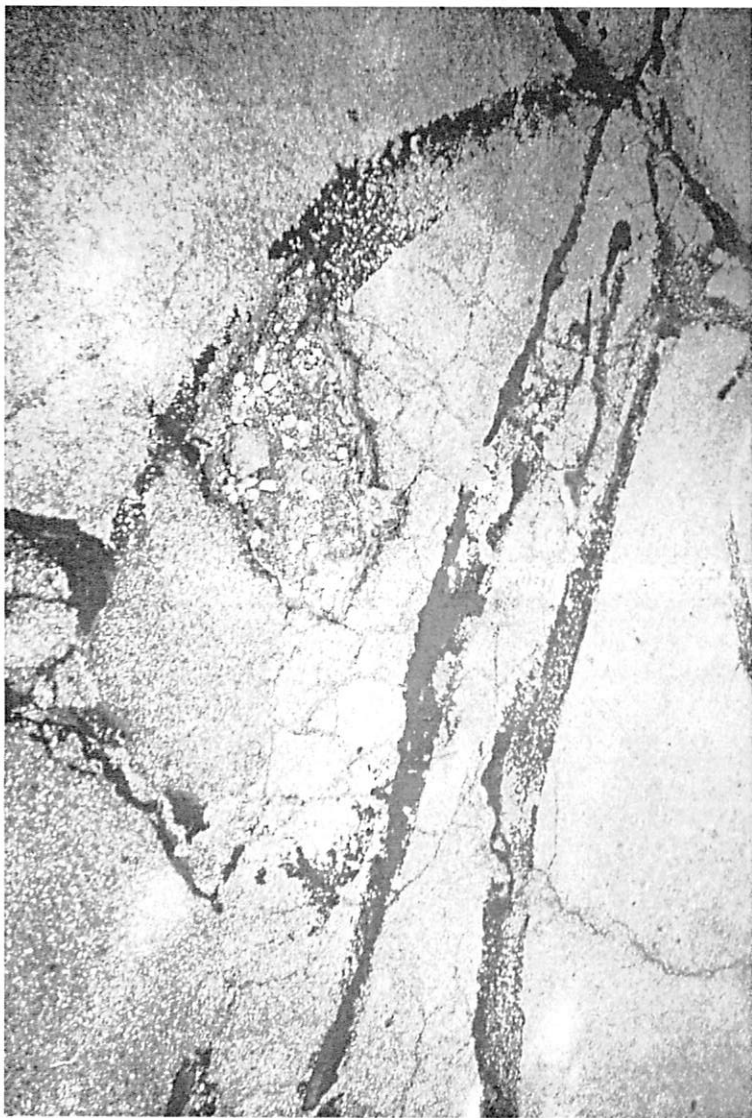














CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

August 5, 2008

John J. Mulhaney
1520 S. 79 St.
West Allis, WI 53214

Dear Mr. Mulhaney:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at or near the 1500 block of S. 80 St. on July 22, 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



ALL PARTS EXCHANGE PRICE
ACE AUTO SALVAGE
 A DIVISION OF SUTTNER INDUSTRIES, INC.
RECYCLED AUTO PARTS

2393 So. 43 rd Street • Milwaukee, WI 53219-2310
 Phone: (414) 645-1790 • 1-800-283-6192 • Fax: (414) 645-5772
 Email: parts@aceautosalvage.net

CHECK OUT OUR WEB SITE www.aceautosalvage.net

*Deposits void after 30 days. All claims must be accompanied by this bill.

PLEASE SEE REVERSE SIDE FOR ADDITIONAL TERMS & CONDITIONS

PLEASE READ ▶

To Our Customers:
 We are not responsible for damages or loss including labor caused from the installation, removal or use of this merchandise.
 It is up to you to determine what part you need. If we sell you the wrong part, or you do not need the part, or you change your mind, you must inform us within **72 hours** for any exchange or credit. If the part is defective within 30 days we will be happy to exchange the part for you.
There will be absolutely no cash refunds. Exchange or credit slips only.
 There will be a 25% handling and restocking charge on any returned merchandise. Balance refunded by credit slip only. We do not warranty oil leaks on engines or transmissions. We do not warranty emission compliance on engines. No warranty on commercial vehicles.
 The Management

REFERENCE #	DATE
01099122	7/23/08 8:47am
P.O. #	CUSTOMER #

SOLD TO: COUNTERSALE

SHIP TO:

MILWAUKEE, WIS 53219

Trace: COUNTER SALE

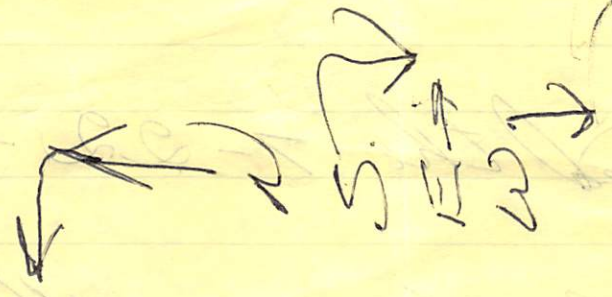
SALESMAN	TYPE OF SALE	TAX CODE	SHIP VIA	Page 1
TJS-1	CASH COUNTER SALE			
QTY	PART NUMBER AND DESCRIPTION	UNIT PRICE	EXTENSION	
1	1U-13" RIM TIRE Stk#NOF	55.00	55.00	
	CORSICA			
Thank you.				
Charge	.00 Card 0	.00 Subtotal	55.00	
Cash	58.08 Other	.00		WI WI 3.08
Check	.00 Change	.00 Taxable	55.00	TAX
		Parts	55.00	TOTAL 58.08

RECEIVED BY _____

15 HUNDRED

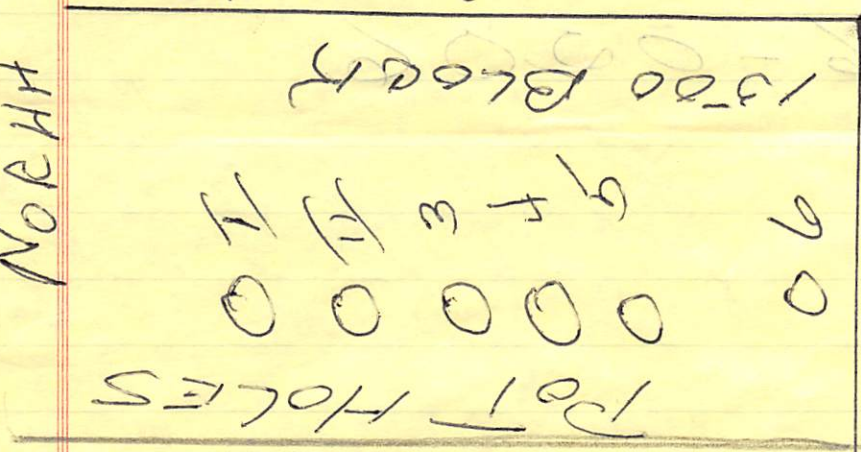
BLOCK

4 MONTHS.
THEY
ARE THERE F



80th LAPHAM

NORTH
↕



EAST ORCHARD WEST

HERE ARE PICTURES
& measurement

72 YRS IN W.A.
TORE DOWN FOR CITY HALL PARK
GRANDPA 1905 MAYOR
PARENTS LIVE HERE FOR 100 YRS
SELF 72 YRS.



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

September 5, 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.

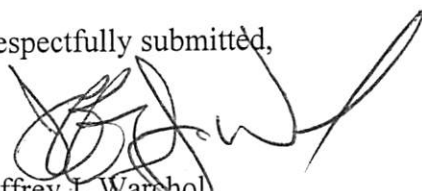
The following claim/lawsuit has been placed on file:

Janet O'Connor (\$1,641.56)

The following claims/lawsuits have been denied:

John J. Mulhaney (\$343.22)
Brian Nahey/Venturedyne, Ltd/Carnes Company, Inc. (No Demand)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



NOTICE OF DISALLOWANCE OF CLAIM

September 19th, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John J. Mulhaney
1520 South 79th Street
West Allis, WI 53214

Re: Your Claim Against the City of West Allis
Date of Loss: 7/22/08

Dear Mr. Mulhaney:

At its meeting on September 16th, 2008, the Common Council of the City of West Allis considered your claim received on August 5th, 2008, regarding property damage allegedly sustained at or near the 1500 block of South 80th 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 Mulhaney

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