

27.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2009-0182	Claim	Claim Report
Gil & Tina Maronek communication regarding vehicle damage allegedly sustained near the intersection of S. 70 St. and W. Main St., on March 9, 2009.		
Introduced: 4/7/2009		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Deny

ACTION DATE:
MAY 05 2009

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak				
		Czaplewski				
		Kopplin	✓			
		Lajsic	✓			
		Narlock	✓			
		Reinke				✓
		Roadt				
		Sengstock				
		Vitale	✓			
		Weigel				
TOTAL			4	-		1

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

ACTION DATE:
MAY 05 2009

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak	✓			
		Czaplewski	✓			
		Kopplin	✓			
		Lajsic	✓			
		Narlock	✓			
		Reinke				✓
		Roadt	✓			
		Sengstock	✓			
		Vitale	✓			
		Weigel	✓			
TOTAL			9	-		1



April 20, 2009

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(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:

Gil and Tina Maronek - Amount: \$ 858.36

This is a claim for property damage to the claimant's vehicle on March 9th, 2009, when the claimant struck a pothole in the road on South 70th Street and Main Street near the Jetz Gas Station. The claimant's tire and rim were damaged as a result of the incident. The claimant had the vehicle repaired and filed a claim against the city on March 13th, 2009.

Our investigation of this claim revealed that the location of the alleged pothole in the street was not within the legal boundaries of the City of West Allis but was within the legal limits of the City of Milwaukee. As such, the City of West Allis bears no legal responsibility for this claim.

On April 20th, 2009, as a matter of courtesy, the City Attorney's Office notified the claimant in writing of the jurisdictional issue so that the claimant could re-file his claim with the proper municipal entity should he 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



















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SMITHSONIAN

MAIN

SHING







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 16, 2009

Gil & Tina Maronek
1208 S. 65 St.
West Allis, WI 53214

Dear Mr. & Mrs. Maronek:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained near the intersection of S. 70 St. and W. Main St., on March 9, 2009.

The original document will be submitted to the Common Council at its meeting of April 7, 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

MAR 13 2009

CITY OF WEST ALLIS
CLERK/TREASURER

March 9, 2009

City of West Allis

Re: Pot hole versus car tire, rim, power steering

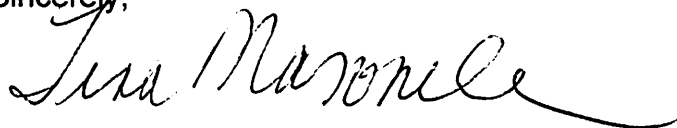
To Whom It May Concern:

Today my family was driving down 70th Street, towards the freeway. We hit a pothole near the Jetz gas station. I have enclosed photographs, as well as our bill for fixing the car tire, rim and power steering. We know that the power steering was just damaged because the car was just in for an alternator repair. It would have been mentioned that this needed to be fixed as well at that time if it was damaged.

We would appreciate your reviewing these items since we would like to be reimbursed for the cost of this. Seeing the pothole on the photograph does not do it justice. Granted, everyone hits them, it usually does not end up costing a big repair bill like our own.

Our family appreciates this.

Sincerely,



Gil and Tina Maronek
1208 S. 65 St.
West Allis, WI 53214
Home: (414) 763-4210
Cell: (414) 861-4454

(moving 03/30/2009)
9601 W Oklahoma Ave.
West Allis, WI 53227

cc Atty

OGORMAN'S WEST TOWNE AUTO

7105 W. NORTH AVENUE

WAUWATOSA, WI 53213

414 475-7105

WWW.OGORMANSAUTO.COM

Repair Order #0007048

Date : 3/10/09

Page : 1

Center : 1

Customer : MARONEK, GIL

Address : 1208 S 65TH

City : MILWAUKEE, WI 53214-

Phone 1 : (414) 975-9786

Phone 2 : (414) -

Vehicle : 2002 KIA SPECTRA

License : WBK713

VIN : KNAFB121025188330

Engine : 1.8

Mileage : 78894

PD : 12/01

Trans : AUTO

OF# :

Op	Tech	Description	Part Description	Reason for Replacement	Labor	Parts	Subtotal
Quan	Part Number					Price	
Estimate Approvals: Original Approval Date: 3/9/2009 3:55:00 PM Reason: Amount: \$288.18 Auth By: GIL MARONEK Contacted By Phone Phone: (414) 975-9786 By: Revised Approval: 3/9/2009 4:37:00 PM Reason: Amount: \$858.36 Auth By: GIL MARONEK Contacted By Phone Difference from Previous Approval: \$570.18 Phone: (414) 975-9786 By:							
SUS0		AL TOW IN CUSTOMER HIT A POT HOLE AND THE RIM IS BENT			0.00		
SUS001		AL CHECK SUSPENSION - CUSTOMER HIT POT HOLE ON P/S FRONT			47.09		47.09
ALG002		AL FOUR WHEEL ALIGNMENT INCLUDES CASTER,CAMBER AND TOE RESET			78.49		78.49
TIR008		AL MOUNT RIM & REBALANCE TIRE -			27.47	116.04	143.51
1.00	VS		VALVE STEM			1.04	
		Tread Depth:	Warranty: 0				
		Rating:	Size:				
1.00			USED RIM			115.00	
		Tread Depth:	Warranty: 0				
		Rating:	Size:				
ENG020		AL TIMING BELT, REPLACE			Decline	0.00	
1.00	T302		TIMING BELT			Declined	
COL009		AL WATER PUMP-REPLACE			Declin	0.00	
2.00	DEXCOOL		DEXCOOL			Declined	
1.00	42302		WATER PUMP			Declined	
PS 004		AL POWER STEERING PUMP ASSEMBLY - REPLACE			156.98	372.37	529.35
1.00	21-5347		POWER STEERING PUMP			361.97	
1.00			STEERING FLUID			10.40	

You and your employees may operate the described vehicle for the purpose of testing, inspection or delivery at my risk. An express lien is acknowledged on said vehicle to secure the amount of repairs hereto. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire theft or any other cause beyond your control. Customer agrees to pay all collection costs and/or attorney's fees in the event default is made in any payment due.

Customer's Signature X _____

You are entitled to a price estimate for the repairs you have authorized. The repair price may be less than the estimate, but will not exceed the estimate without prior permission. Your signature will indicate your estimate selection.

- I request an estimate in writing before you begin repairs _____
- Please proceed with repairs, but call me before continuing if the price will exceed \$ _____
- I do not want an estimate _____

Labor : \$231.54
 Parts : \$488.41
 Sublet : \$78.49
 Other Fees : \$0.00
 Supply Chrg : \$14.40
 Subtotal : \$812.84
 Sales Tax : \$45.52

Paid By :
 VISA Total : \$858.36
 Pay Ref : Paid : \$858.36
 Due : \$0.00

Motor vehicle repair practices are regulate 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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

April 28, 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.

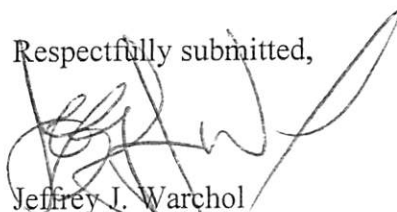
The following claim/lawsuit has been placed on file:

Franklin J. Perko v. Celia E. Constantineau, et al.
(Milw. County Case #07-CV-013862)

The following claims/lawsuits have been denied:

Gil and Tina Maronek (\$858.36)
Eric D. Ede (\$25,000.00)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC



NOTICE OF DISALLOWANCE OF CLAIM

May 8, 2009

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gil and Tina Maronek
9601 West Oklahoma Avenue
West Allis, WI 53227

Re: Your Claim Against the City of West Allis
Date of Loss: 3/09/09

Dear Mr. and Mrs. Maronek:

At its meeting on May 5th, 2009, the Common Council of the City of West Allis considered your claim received on March 13th, 2009, regarding vehicle damages allegedly sustained in the area of South 70th Street and Main Street near the Jetz Gas Station, Milwaukee, 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-G Maronek

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