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21.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2009-0035	Claim	Claim Report
Nicole Jusuf communication regarding vehicle damage allegedly sustained at 1515 S. 59 Street on December 24, 2008.		
Introduced: 1/20/2009		Controlling Body: Administration & Finance Committee

## COMMITTEE RECOMMENDATION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 03 2009			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
	X		Narlock	✓			
		X	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	5	-		

### SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin* \_\_\_\_\_  
 Chair Vice-Chair Member

## COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 03 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

February 24, 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 paid and placed on file:**

**Nicole Jusuf– Amount \$442.51**

This is a claim for personal property damage to the claimant's vehicle on December 24<sup>th</sup>, 2008, when it was struck while legally parked by a City of West Allis snowplow at 1515 South 59<sup>th</sup> Street, West Allis, WI. The claimant's vehicle was not occupied at the time of the incident. As a result of the accident, the claimant's vehicle incurred damages to the driver's side door handles and mirror. The claimant obtained estimates for repairs and filed a claim against the City on January 8<sup>th</sup>, 2009.

Our investigation of this incident indicated that the City's snowplow operator was at fault for the accident. Although plowing operations can be difficult under the circumstances, the operator must have his vehicle under control at all times to avoid sideswiping parked vehicles. The estimates provided by the claimant were reasonable and from reputable auto repair facilities. Pursuant to settlement guidelines, the City Attorney's Office paid the claim in the amount stated above and obtained a Property Damage Only Release signed by the claimant.

Based upon the above, it is the recommendation of the City Attorney's Office to place this claim on file.

Respectfully submitted,

Jeffrey J. Warchol  
Assistant City Attorney

JJW:da

**PROPERTY DAMAGE ONLY RELEASE**

KNOW ALL MEN BY THESE PRESENTS that NICOLE JUSUF, for and in consideration of Four Hundred Forty-two and 51/100 Dollars (\$442.51) the receipt whereof is hereby acknowledged, do hereby forever release, acquit and discharge the City of West Allis, Wisconsin, a municipal corporation, its departments, commissions, officials, agents and employees, his, her, its or their successors and assigns and all others directly or indirectly liable, from any and all claims and demands, actions and causes of action, damages, both known and unknown, including future developments thereof, costs, loss of service and compensation on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from an accident on or about December 24<sup>th</sup>, 2008, when a City snowplow struck a legally parked unoccupied vehicle owned by Nicole Jusuf at 1515 South 59<sup>th</sup> Street, West Allis, WI, causing damage to the driver and passenger door handles of Ms. Jusuf's vehicle.

I agree that this settlement is in full compromise of a doubtful and disputed claim both as to the question of liability and damages and that the payment is not to be construed as an admission of liability.

I agree that this is a complete release of property damage only and it is understood and agreed that it doesn't constitute a release for any bodily injury resultant from this accident as there were no bodily injuries as a result of this accident.

I further agree that this release and payment pursuant thereto is not to be construed as a waiver by or an estoppel of any party released to prosecute a claim or action against the undersigned for any damages sustained.

This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

**I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. I FURTHER UNDERSTAND THAT I HAVE THE OPPORTUNITY TO DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.**

Signed and sealed this 6<sup>th</sup> day of February 2009.

\_\_\_\_\_  
Nicole Jusuf

*Husband*

Subscribed and sworn to before me  
this 6<sup>th</sup> day of February 2009.  
*Darilyn M. Adams*  
(DARILYN M. ADAMS)  
Notary Public, State of Wisconsin  
My Commission Expires: 02/24/10



CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://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*

January 9, 2009

Ms. Nicole Jusuf  
1515 S. 59 Street  
West Allis, WI 53214

Dear Ms. Jusuf:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 1515 S. 59 Street on December 24, 2008.

The original document will be submitted to the Common Council at its meeting of January 20, 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

/jml

cc: City Attorney

To Whom It May Concern:

I Nicole Jusuf was parked in front of my house located at 1515 S. 59<sup>th</sup> Street on Wednesday December 24<sup>th</sup> around 1:30pm when a City of West Allis Plow Truck struck the side of my SUV. There are gouges in the driver and passenger door handles as a result from the plow scraping against it. The plow also had struck the driver side mirror which did not result in any noticeable damage. The driver of the plow truck did come back to make sure that everything was ok, he was a Caucasian male with brown hair in his late 30's to Mid 40's and wore glasses.

**RECEIVED**

**JAN 08 2009**

CITY OF WEST ALLIS  
CLERK/TREASURER

GREENFIELD PONTIAC BUICK  
3615 S 108TH ST  
MILWAUKEE, WI 53228  
414-545-7000

\*\*\* PRELIMINARY ESTIMATE \*\*\*

01/08/2009 10:26 AM

**Owner**

Owner: JAMES JUSUF  
Address: 1515 S 59TH STREET  
City State Zip: West Allis, WI 53214

Cell: (414)975-3492  
FAX:

**Inspection**

Inspection Date: 01/08/2009 10:27 AM

Inspection Type:

Appraiser Name: Jay Gesell  
Address: 3615 S. 108th St

Appraiser License # :  
Work/Day: (414)290-7181  
FAX: (414)290-7180  
FAX:

City State Zip: Greenfield, WI 53226  
Email: bodyshop@greenfieldgmpartscenter.com

**Repairer**

Repairer: John Paul's Greenfield  
Address: 3615 S. 108th St

Contact: Jay Gesell  
Work/Day: (414)290-7181  
Work/Day: (414)545-7000  
FAX: (414)290-7180

City State Zip: Greenfield, WI 53226  
Email: bodyshop@greenfieldgmpartscenter.com

**Vehicle**

2007 Nissan Murano SL Touring 4 DR Wagon  
6cyl Gasoline 3.5  
Continuously Variable Tr

Lic.Plate: 827EMN  
Lic Expire:  
Veh Insp# :  
Condition:  
Ext. Color: WHITE  
Ext. Refinish: Three-Stage UserDefined  
Ext. Paint Code: QX1

Lic State: WI  
VIN: JN8AZ08W57W635794  
Mileage Type: Actual  
Code: Z7304B  
Int. Color:  
Int. Refinish:  
Int. Trim Code:

**Options**

4-Wheel Drive  
Aluminum/Alloy Wheels  
Bose Sound System  
Cruise Control  
Dual Airbags  
Electronic Transfer Case  
Head Airbags  
High Intensity Headlamps  
Keyless Entry System  
Lighted Entry System  
Power Brakes  
Power Steering  
Rear View Camera  
Rem Trunk-L/Gate Release  
Strg Wheel Radio Control  
Tilt Steering Wheel  
Trip Computer

Air Conditioning  
Anti-lock Brakes  
Cargo/Trunk Net  
Digital Signal Processor  
Dual Power Seats  
Fog Lights  
Heated Front Seats  
In-Dash CD Changer &Tape  
Leather Seats  
MP3 Player  
Power Door Locks  
Power Windows  
Rear Window Defroster  
Roof/Luggage Rack  
Tachometer  
Tinted Glass

Alarm System  
Automatic Dimming Mirror  
Center Console  
Driver Seat Memory  
Dual Zone Auto A/C  
Garage Door Opener  
Heated Power Mirrors  
Intermittent Wipers  
Leather Steering Wheel  
Power Adjustable Pedals  
Power Moonroof  
Privacy Glass  
Rear Window Wiper/Washer  
Side Airbags  
Theft Deterrent System  
Tonneau/Cargo Cover

**Damages**

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
1	E	227		Handle,Front Door Otr LT	80640CA012	\$95.57			1.9	SM
2	E	471		Escutcheon,Frt Dr Hndl LT	80645CA000	\$26.97			INC	SM
3	E	383		Escutcheon,RR Dr Handl LT	82646CA000	\$24.13				SM
4	E	305		Handle,RR Door Outer LT	80640CA012	\$95.57			1.5	SM
4 Items										

**Estimate Total & Entries**

<b>Gross Parts</b>						\$242.24				
<b>Parts &amp; Material Total</b>									\$242.24	
<b>Tax on Parts &amp; Material</b>					@ 5.600%				\$13.57	
<b>Labor</b>										
				<b>Rate</b>	<b>Replace Hrs</b>	<b>Repair Hrs</b>			<b>Total Hrs</b>	
Sheet Metal (SM)				\$55.00	3.4				3.4	\$187.00
Mech/Elec (ME)				\$94.00						
Frame (FR)				\$65.00						
Refinish (RF)				\$55.00						
Paint Materials				\$34.00						
<b>Labor Total</b>									3.4 Hours	\$187.00
<b>Tax on Labor</b>									@ 5.600%	\$10.47
<b>Gross Total</b>										\$453.28
<b>Net Total</b>										\$453.28

Alternate Parts Y/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53228 Default

Audatex Estimating 5.0.520 ES 01/08/2009 10:28 AM REL 5.0.520 DT 12/01/2008 DB 12/15/2008  
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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.

**Op Codes**

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Reblt	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



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

CD LOG NO 10533-1 DATE 01/08/09

SHOP: BOUCHER COLLISION CENTER INSP DATE: 01/08/09  
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: JUSUF, JAMES HOME PHONE: (414)975-3492

POINT OF IMPACT: 6 TYPE OF LOSS: /UNK

LIC#: 827-EMN STATE: WI VIN: JN8AZ08W57W635794  
BODY COLOR: WHITE MILEAGE: 20,000  
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

PRELIMINARY ESTIMATE -BASED ON VISIBLE DAMAGE ONLY  
PART PRICES ARE SUBJECT TO INVOICE  
TWO LEFT DOOR HANDLES DAMAGED  
RIGHT REAR DOOR HAS DAMAGE ALSO

2007 NISSAN MURANO SL 4DOOR WAGON 6CYL GASOLINE 3.5  
CODE: Z7304B/E OPTNS B/24BAOY

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES  
4-WHEEL DRIVE  
ALARM SYSTEM

TWO-STAGE - INTERIOR SURFACES  
BUMPER COVER MOUNTED FOG LAMPS  
STRG WHEEL MTD RADIO CONTROLS

OP	GDE	MC	DESCRIPTION	MFG.	PART NO.	PRICE	AJ%	B%	HOURS	R
RI0231			PNL, INNER DOOR TRIM LT	R&I	ASSEMBLY				INC	1
RI0223			CYL, FRONT DOOR LOCK LT	R&I	ASSEMBLY				0.8	1
E 0227			HANDLE, FRONT DOOR O LT	80640CA012		95.57			1.1	1

2007 NISSAN MURANO SL 4DOOR WAGON  
CD LOG NO 10533-1

E 0471	ESCUTCHEON, FRT DR H LT 80645CA000	26.97	INC 1
E 0383	ESCUTCHEON, RR DR HA LT 82646CA000	24.13	1
RI0307	PNL, INNER DOOR TRIM LT R&I ASSEMBLY		INC 1
E 0305	HANDLE, RR DOOR OUTE LT 80640CA012	95.57	1.5 1

7 ITEMS

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		242.24
PARTS & MATERIAL TOTAL		242.24
TAX ON PARTS & MATERIAL @	5.600%	13.57

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	3.4		176.80
2-MECH/ELEC	85.00			
3-FRAME	52.00			
4-REFINISH	52.00			
5-PAINT MATERIAL	32.00			
LABOR TOTAL				176.80
TAX ON LABOR		@	5.600%	9.90
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL 442.51

NET TOTAL 442.51

SHOPLINK U1996 ES CD LOG 10533-1 DATE 01/08/09 09:47:54AM R6.37 CD 12/08  
EDU: 0101 HOST LOG  
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OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

February 25, 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 claims/lawsuits have been paid and placed on file:**

Nicole Jusuf (\$442.51)  
Dan Bukiewicz (\$1,013.64)  
Sentry Insurance on Behalf of Robert Gass (\$500.00)

**The following claims/lawsuits have been denied:**

Linda Neuhaus (\$116.16)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC