

12.



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0019	Claim	Claim Report
Jon and Jo Ann Schedler communication regarding vehicle damage allegedly sustained at 1923 S. 77 Street on December 7, 2007.		
Introduced: 1/15/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*POF*

ACTION  
DATE:

FEB 18 2008

MOVER      SECONDER

_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Dobrowski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
			✓
✓			
✓			
✓			
✓			

TOTAL

4      \_\_\_\_\_      \_\_\_\_\_      1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**PLACE ON FILE**

ACTION  
DATE:

FEB 18 2008

MOVER      SECONDER

_____	_____	Barczak
✓	_____	Czaplewski
_____	✓	Dobrowski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
			✓
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			

TOTAL

9      \_\_\_\_\_      \_\_\_\_\_      1

**STANDING COMMITTEES OF THE  
CITY OF WEST ALLIS COMMON COUNCIL  
2004**

**ADMINISTRATION & FINANCE**

Chair: Michael J. Czaplewski  
Vice-Chair: Martin J. Weigel  
Gary T. Barczak  
Thomas G. Lajsic  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Richard F. Narlock  
Vice-Chair: Linda A. Dobrowski  
Kurt E. Kopplin  
Vincent Vitale  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Vincent Vitale  
Gary T. Barczak  
Martin J. Weigel  
Rosalie L. Reinke

**LICENSE & HEALTH**

Chair: Kurt E. Kopplin  
Vice-Chair: James W. Sengstock  
Linda A. Dobrowski  
Richard F. Narlock  
Michael J. Czaplewski

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Gary T. Barczak  
Linda A. Dobrowski  
Vincent Vitale  
Martin J. Weigel





OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Assistant City Attorneys

February 5, 2008

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 (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 placed on file:**

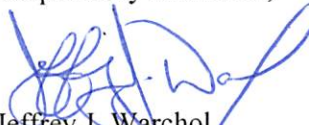
**Jon Schedler – Amount: \$ 551.50**

This is a claim for property damage to the claimant's vehicle on December 7<sup>th</sup>, 2007, when a West Allis City snowplow, while backing down 77<sup>th</sup> Street during snowplowing operations, struck the claimant's vehicle, which was unoccupied and legally parked in front of 1923 South 77<sup>th</sup> Street, West Allis, WI resulting in property damage to said vehicle. The claimant obtained estimates from two auto repair facilities and filed a claim against the City in this matter on January 4<sup>th</sup>, 2008.

Our investigation into this matter indicated that the snowplow operator was negligent in failing to keep a proper lookout while backing up his vehicle. The estimates for repair provided by the claimant were found to be fair and reasonable given the circumstances. Pursuant to settlement guidelines, the City Attorney's Office paid this claim in the amount of \$551.50 and obtained a Property Damage Only Release signed by the claimant. This matter is now complete.

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 JON SCHEDLER, for and in consideration of Five Hundred Fifty-one and 50/100 Dollars (\$551.50) 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 that certain accident on or about December 7<sup>th</sup>, 2007, when a West Allis city snow plow, while backing down 77<sup>th</sup> Street during snow plowing operations, struck a vehicle owned by Mr. Schedler, which was unoccupied and legally parked in front of 1923 South 77<sup>th</sup> Street in the City of West Allis, Wisconsin, resulting in property damage to Mr. Schedler'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.

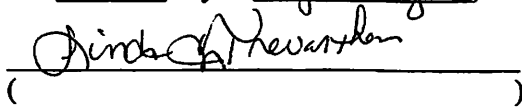
**I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. I FURTHER UNDERSTAND THAT I HAVE THE OPPORTUNITY TO DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.**

Signed and sealed this 29<sup>th</sup> day of January, 2008.

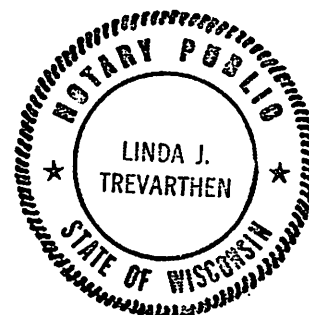


Jon Schedler

Subscribed and sworn to before me  
this 29<sup>th</sup> day of January, 2008.



(  
Notary Public, State of Wisconsin  
My Commission Expires: 09-26-2010



STATE OF CALIFORNIA

RECEIVED

JAN 31 2008

WESTALLIS  
CITY ATTORNEY

TO: [illegible]  
FROM: [illegible]  
SUBJECT: [illegible]

DATE: [illegible]  
TIME: [illegible]



**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 7, 2008

Mr. and Ms. Jon and Jo Ann Schedler  
N 1052 Grey Eagle Road  
Keshena, WI 54135

Dear Mr. and Ms. Schedler:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained on December 7, 2007 at 1923 South 77 Street.

The original document will be submitted to the Common Council at its meeting of January 15, 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

/jl

cc: City Attorney



# Visu-Sewer

[www.Visu-Sewer.com](http://www.Visu-Sewer.com)

---

Monica -

Here is a claim  
submitted to my  
attention to be  
processed. Thanks,

Dave

1-3-08

---

The Pipeline Professionals

1-800-876-8478

Schedler  
N1052 Grey Eagle Rd  
Keshena, WI 54135

GREEN BAY WI 543

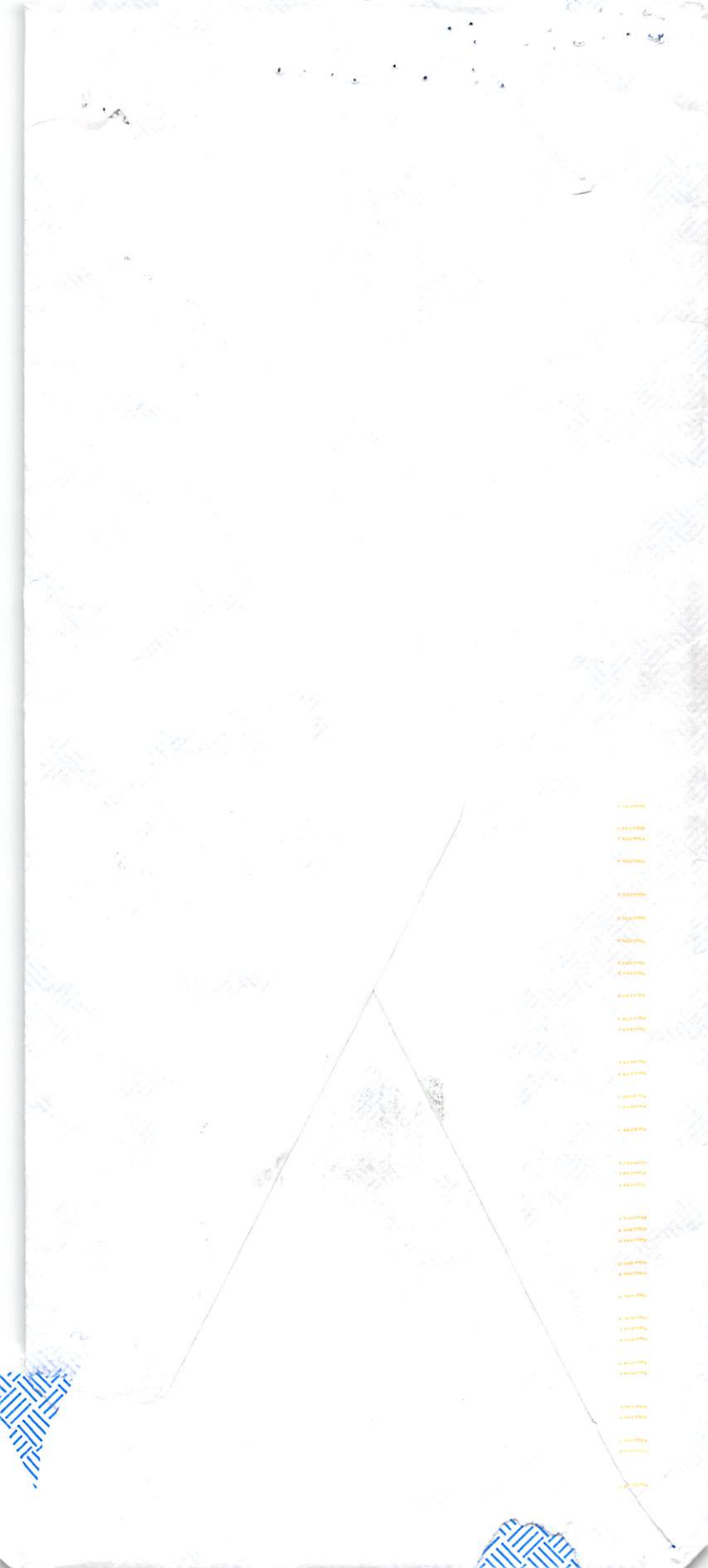
26 DEC 2007 PM 1 T



Ms. David C. Wapking  
City of West Allis  
6300 West Mc Beach Ave

264 West Allis WI 53219





Mr. David Wepking  
Safety & Training Coordinator III  
6300 West McGeoch Av.  
West Allis, WI 53219

*Dec. 26, 2007*

Mr. Wepking,

I am sending two estimates to repair our vehicle due to the incident on December 7, 2007 while parked in front of my son's home at 1923 So 77<sup>th</sup> St in West Allis, WI.

My son's neighbor informed us a West Allis truck # 2810 was backing up and hit the back of our car then drove off. We looked at the car and found damage to the left back fender, hub cap and bumper. I called the police and Officer Ferral responded and stated we were parked legally and made a report.

Thank you for your quick and courteous response.



Jon & Jo Ann Schedler  
N 1052 Grey Eagle Rd  
Keshena, WI 54135  
1-715-799-4777  
[schedler@frontiernet.net](mailto:schedler@frontiernet.net)

**RECEIVED**

**JAN 04 2008**

CITY OF WEST ALLIS  
CLERK/TREASURER

Wash. State  
Wash. State  
Wash. State  
Wash. State

I am sending two estimates to repair our vehicle due to the incident on December 7, 2007.  
While parked in front of my home at 1025 1st St. NW, I was struck by a car.

My son's neighbor informed us a West Aline truck # 1810 was backing up and hit the  
back of our car then drove off. We looked at the car and found damage to the left fender.  
The driver, who was wearing a seat belt, was not injured. I called the police and Officer [redacted] responded and stated  
the driver was not at fault and made a report.

I thank you for your quick and courteous response.

RECEIVED  
JAN 10 2008  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Letter to Ann Robinson  
1025 1st St. NW  
Seattle, WA 98107  
206-462-1111  
Wash. State

12/14/2007 at 03:27 PM  
9826

Job Number:

**QUALITY AUTO BODY**  
W8061 County Road MMM  
Shawano, WI 54166  
(715)524-5770 Fax: (715)524-5770

**PRELIMINARY ESTIMATE**

Written By: Todd Wegner  
Adjuster:

**Insured:** JON SCHEDLER  
**Owner:** JON SCHEDLER  
**Address:** N1052 GRAYEAGLE  
KESHENA, WI 54135  
**Day:** (715)799-4777

**Claim #**  
**Policy #**  
**Deductible:**  
**Date of Loss:**  
**Type of Loss:**  
**Point of Impact:**

**Inspect**  
**Location:**

**Insurance**  
**Company:**

Days to Repair

2005 TOYO CAMRY LE 4-2.4L-FI 4D SED Int:

**VIN:** 4T1BE32K85U620004 **Lic:**

**Prod Date:**

**Odometer:**

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Keyless Entry	Steering Wheel Controls
Body Side Moldings	Dual Mirrors	Console/Storage
Roof Console	Clear Coat Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Driver Seat	Power Passenger Seat	Power Mirrors
AM Radio	FM Radio	Stereo
Search/Seek	CD Player	Anti-Lock Brakes (4)
Driver Air Bag	Passenger Air Bag	4 Wheel Disc Brakes
Cloth Seats	Bucket Seats	5 Speed Transmission
Overdrive	Full Wheel Covers	

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		REAR BUMPER					
2	R&I	R&I bumper cover				1.0	
3*	Rpr	Bumper cover US built				<u>1.5</u>	3.0
4		Add for Clear Coat					1.2
5		WHEELS					
6	Repl	LT/Rear Wheel cover type 3	1		66.85		
7#		[Hazardous waste removal]	1		3.00		
Subtotals ==>					69.85	2.5	4.2

QUALITY AUTO BODY  
W8081 County Road 3 MM  
Shawano, WI 54186  
(715) 524-5770 Fax: (715) 524-5770

PRELIMINARY ESTIMATE

Written By: Todd Wedner  
Adjuster:

Insured: JON SCHEIDT  
Owner: JON SCHEIDT  
Address: 1102 GRAYBARK  
KESHENA, WI 54135  
Pay: (715) 524-5770  
Deductible:  
Date of Loss:  
Type of Loss:  
Point of Impact:

Inspect  
Location:

Insurance  
Company:

Days to Repair

2005 TOYO CANYON LE 4-2.4L-PI 4D SED Int:  
VIN: 4T1BE22W8000044000

Odometer:

Prod Date:

Overdrive	Full Wheel Covers	2 Speed Transmission	Anti-Lock Brakes (4)	Stereo	Power Mirrors	Power Locks	Power Steering	Console/Storage	Steering Wheel Controls	Tilt Wheel
Driver Air Bag	Passenger Air Bag	4 Wheel Disc Brakes	CD Player	FM Radio	Power Passenger Seat	Clear Coat Paint	Dual Mirrors	Keyless Entry	Rear Defogger	
Cloth Seats	Bucket Seats	5 Wheel Disc Brakes								
Search/Seek										
AM Radio										
Power Driver Seat										
Power Brakes										
Roof Console										
Body Side Moldings										
Cruise Control										
Air Conditioning										

NO.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1	REAR BUMPER				
2	R&L bumper cover				
3	Bumper cover US built				
4	Add for Clear Coat				
5	WHEELS				
6	Repl LT/Rear Wheel cover type 3	1	66.85		
7#	[Hazardous waste removal]	1	3.00		
Subtotal ==>					
			69.85	2.5	4.2



12/14/2007 at 03:27 PM  
9826

Job Number:

**PRELIMINARY ESTIMATE**

2005 TOYO CAMRY LE 4-2.4L-FI 4D SED Int:

Parts		69.85
Body Labor	2.5 hrs @ \$ 50.00/hr	125.00
Paint Labor	4.2 hrs @ \$ 50.00/hr	210.00
Paint Supplies	4.2 hrs @ \$ 28.00/hr	117.60
-----		
SUBTOTAL		\$ 522.45
Sales Tax	\$ 522.45 @ 5.5000%	28.73
-----		
GRAND TOTAL		\$ 551.18
ADJUSTMENTS:		
Deductible		0.00
-----		
CUSTOMER PAY		\$ 0.00
INSURANCE PAY		\$ 551.18

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED 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.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ARM8521, CCC Data Date 11/01/2007, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

PRELIMINARY ESTIMATE  
2005 TOYO CAMRY LE 4-2.4L-FI 4D SED Int:

Parts					
Body Labor	2.5 hrs @ \$ 50.00/hr				125.00
Paint Labor	4.2 hrs @ \$ 50.00/hr				210.00
Paint Supplies	4.2 hrs @ \$ 28.00/hr				117.60
-----					
SUBTOTAL				\$ 453.45	
Sales Tax			\$ 25.0000		28.73
-----					
GRAND TOTAL				\$ 478.18	

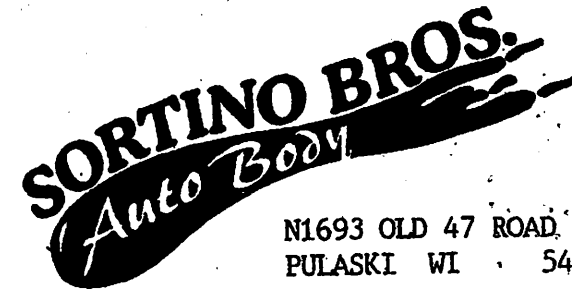
ADJUSTMENTS:					
Deductible					0.00
-----					
CUSTOMER PAY				\$ 0.00	
INSURANCE PAY				\$ 478.18	

AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN  
CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF  
MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ARM521, CCC Data Date 11/01/2007, and the parts selected are OEM-parts manufactured by the vehicle's original equipment manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blended" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LXQ, Qual Repl Parts, RCV, or USED. Reconditioned parts are described as Record. Record parts are described as Record. NAGS Part Numbers and Benchmark Prices are provided by National-Auto Glass Specifications. Labor operation times listed on the left with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Round sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

Name: Jon Schedler  
 Address: N1052 GRAY Eagle Rd  
Keshota, WI 54135  
 Insurance Co.: \_\_\_\_\_  
 Policy Number: \_\_\_\_\_

Date: 12/17/07  
 Phone: 789-4777  
 Alt. Phone: \_\_\_\_\_  
 Scheduled drop off: \_\_\_\_\_  
 Scheduled Pick up: \_\_\_\_\_



N1693 OLD 47 ROAD  
 PULASKI WI 54162  
 PHONE (715) 758-6929  
 FAX (715) 758-6929

Federal ID No. 39-1943187

YEAR - MAKE - MODEL		VIN Number	Color
05 Toyota Camry		4T1BE32K850620004	
License No.	Mileage	Manufacture Date	Paint Code

FREE ESTIMATES  
 BUSINESS HOURS:  
 MONDAY - FRIDAY: 8AM TO 5PM  
 EVENINGS AND SATURDAYS:  
 BY APPOINTMENT

PART RECEIVED	PART ORDERED	PART NEEDS ORDERING	REPLACE	REPAIR	PARTS NECESSARY AND ESTIMATE OF LABOR REQUIRED	PART NUMBER	PARTS & MATERIALS		LABOR		REFINISH	
				X	ROCK COVER includes RT+1		120	00	150	00	225	00
			X		Lt. Rock Wheel cover		66	85				
					Shop Supplies		4	00				
SUBTOTAL							190	85	150	00	225	00

Notes: \_\_\_\_\_

TOTAL 565.85  
 SALES TAX (5.5%) 31.12  
 COUNTY TAX (.5%)  
 GRAND TOTAL 596.97

The above report is based on our inspection and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally after the work has been started, damaged or broken parts are discovered which are not evident on the first inspection. Because of this, above prices cannot be guaranteed. This estimate is for immediate acceptance only.

**AUTHORIZATION FOR REPAIRS**  
 YOU ARE HEREBY AUTHORIZED TO MAKE THE ABOVE SPECIFIED REPAIRS.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Thank You  
 Sortino Bros.  
 Auto Body

DATE \_\_\_\_\_

AUTHORIZATION FOR REPAIRS

Year - Make - Model	VIN Number	Color
License No.	Mileage	Manufacture Date
		Print Code

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Alt. Phone: \_\_\_\_\_

Scheduled drop off:

Scheduled Pick up:

BY APPOINTMENT.  
EVENINGS AND SATURDAYS.

Federal ID No. 39-19431

FAX (712) 728-6959

PHONE (712) 728-6959

MISS OLD 47 ROAD

MIERS OLD 47 RO  
PULASKI WI



**OFFICE OF THE CITY ATTORNEY**

**Scott E. Post**  
*City Attorney*

**Sheryl L. Kuhary**  
**Jeffrey J. Warchol**  
*Assistant City Attorneys*

February 8, 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.

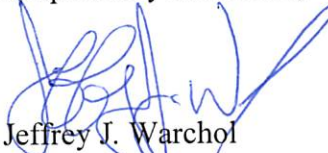
**The following claims/lawsuits have been denied:**

Deborah M. Meier (\$684.17)  
Ronald Strom (\$3,700.00)  
American Family Insur. on Behalf of Its Insured Nicole Kohanski (\$3,323.89)

**The following claim/lawsuit has been placed on file:**

Jon Schedler (\$551.50)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC