

11.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2009-0063	Claim	Claim Report
Jeffrey Jasniewski communication regarding vehicle damage allegedly sustained at 2133 S. 88 St. on December 24, 2008.		
Introduced: 2/3/2009		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*POF*

ACTION  
DATE:  
**APR 21 2009**

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
_____	_____	Barczak				
_____	_____	Czaplewski				
_____	_____	Kopplin	✓			
_____	_____	Lajsic	✓			
_____	_____	Narlock	✓			
_____	_____	Reinke	✓			
_____	_____	Roadt				
_____	_____	Sengstock				
_____	_____	Vitale	✓			
_____	_____	Weigel				
TOTAL			5			

### SIGNATURE OF COMMITTEE MEMBER

*Just Kopplin*

Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

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

ACTION  
DATE:  
**APR 21 2009**

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

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

**ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

**LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

April 1, 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:**

**Jeffrey Jasniewski– Amount \$1,562.16**

This is a claim for property damages to the claimant's vehicle on December 24<sup>th</sup>, 2008, when it was struck, while unoccupied and legally parked, by a City of West Allis snowplow performing plowing operations in front of 2133 South 88<sup>th</sup> Street, West Allis, WI. As a result of the accident, the front bumper, fender, driver's side door and mirror of the claimant's vehicle were damaged. The claimant obtained estimates for repair and filed a claim against the City on January 15<sup>th</sup>, 2009.

Our investigation of this claim indicated that the operator of the snowplow was at fault for the accident by failing to maintain proper control of his vehicle while performing snowplowing operations. The estimates for repair provided by the claimant were reasonable given the nature of the damages. Pursuant to settlement guidelines, the City Attorney's Office settled this 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 JEFFRY JASNIEWSKI, for and in consideration of One Thousand Five Hundred Sixty-two and 16/100 Dollars (\$1,562.16) 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 of West Allis snowplow, while snowplowing on South 88<sup>th</sup> Street, struck a legally parked unoccupied vehicle owned by Jeffry Jasniewski in front of 2133 South 88<sup>th</sup> Street, West Allis, WI, causing damage to the front bumper, fender, mirror and driver's door of Mr. Jasniewski'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.

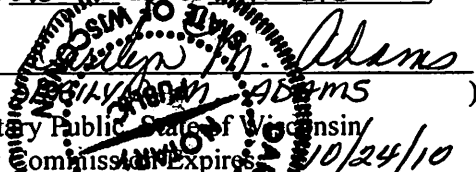
This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

**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 23 day of March, 2009.

  
Jeffry Jasniewski

Subscribed and sworn to before me  
this 23<sup>rd</sup> day of March, 2009.

  
( Steven P. Adams )  
Notary Public, State of Wisconsin/  
My Commission Expires 10/24/10

JJW: da  
L/Jeff/Claims/Release/PD/Chris Jasniewski



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. Ziebler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

January 20, 2009

Mr. Jeffry D. Jasniewski  
2133 S. 88 St.  
West Allis, WI 53227

Dear Mr. Jasniewski:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 2133 S. 88 St. on December 24, 2008.

The original document will be submitted to the Common Council at its meeting of February 3, 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

December 24, 2008  
@ 6:00 pm

RECEIVED

JAN 15 2009

CITY OF WEST ALLIS  
CLERK/TREASURER

We were just finishing Christmas eve diner before opening family gifts. My oldest son Miguel Jasniewski, 28, was the first one away from the table. He then entered the living room and looked out the front window to see a city of West Allis snow plow / salt truck hitting my car parked directly in front of my house. The truck seemed to be stuck to my car, as my car was bouncing side to side, as he tried to get off of it.

As soon as Miguel witnessed what was going on he yelled for me to come into the living room to see what was happening. I then witnessed the last few seconds, as the truck finally broke free of my parked car. As we put our shoes and coats on, the truck seemed to stop at the next house, when we got outside the truck was speeding up the street. HIT and RUN!

We immediately pulled out my sons cell phone and called the police. When the officer, Mark Sopa, arrived at @6:30 pm he talked down to me and insinuated that the HIT and RUN was my fault because I was (legally) parked on the street, I explained to the officer that the only reason my car was on the street was that I had to go to work, 3<sup>rd</sup> shift, that night, And that if for some reason my car was in the way why didn't he blow his horn or knock on the door rather than hit the car, that is what other plows have done in the past and in fact earlier that same day!

The police tracked down the plow and sent him back to the scene. When he arrived he ran up to the officer shouting that "IF THERE WAS A FIRE EVERYBODY ON THIS BLOCK WOULD BE DEAD" the officer said "excuse me" and the plow driver shouted back "THERE ARE TOO MANY CARS PARKED ON THIS STREET, LOOK AT THEM". When asked if he knew that he hit my car he replied "I DID'NT HIT ANY THING" the officer said we have an eyewitness and the truck driver replied "OH, THEN I GUESS I DID"

HE WAS STUCK ON THE CAR FOR AT LEAST TWO MINUTES AS HE TRIED TO BREAK FREE, RIPPING THE HUB CAP OFF THE CAR...and he didn't know it!

The officer then took him back to his truck to talk privately for a few (2-3) minutes and then the plow left the scene.

The officer came back to me and gave me the cities insurance information and told me to contact my insurance company for help to resolve the matter, when I did I was given two options pay my deductible of five hundred dollars, or to submit all of the information to the city of West Allis common council / city clerk. I chose option two because I don't believe I should have to spend my money to fix the damage caused by a city employee.

Now that I have the police report of the accident I want to dispute what is written, The plow driver Edwin Vis claimed there was a truck parked directly across the street from my car, that is false and an outright lie, in fact there was only one car near the scene and it was at least 2.5 car lengths ahead of mine on the opposite side of the street, that car belonged to my son.

And the officer's diagram of the accident shows the plow going northbound when in fact it was going south! If you take that diagram and eliminate the vehicle directly opposite mine and point the plow south you would have an accurate diagram.

Cc: AHy

RECEIVED

MAY 1 3 2000

CHRYSLER

Chrysler

May 1, 2000

Dear Sirs: We are pleased to inform you that your application for a loan has been approved. The loan amount is \$10,000.00. The interest rate is 12.00% per annum. The term of the loan is 60 months. The first payment is due on May 1, 2000. The monthly payment is \$200.00. The total amount to be repaid is \$12,000.00. We are pleased to have you as a customer.

As soon as the bank receives your payment, we will issue you a check for the amount of the loan. Please contact us if you have any questions. We are pleased to have you as a customer.

Very truly yours,  
Chrysler Financial Services  
1234 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 123-4568

Chrysler Financial Services  
1234 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 123-4568

Chrysler Financial Services  
1234 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 123-4568

Chrysler Financial Services  
1234 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 123-4568

Chrysler Financial Services  
1234 Main Street  
New York, NY 10001  
Tel: (212) 123-4567  
Fax: (212) 123-4568

I do not understand why the city or employee is not accountable it was HIT and RUN he gets no ticket, no punishment, no problems and I get all the problems and run around to repair what should have never happened in the first place if the employee had used his head!

I also believe that alcohol may have been a factor, the way the truck driver was shouting and out right lied about not knowing he hit my car. When the officer took him back to his truck I thought he was going to test him or something but he just let him go, that is a disgrace!

Enclosed is a copy of the police report, and estimate of damages.  
I hope that this can be resolved quickly.

Jeffry D. Jasniewski  
2133 South 88<sup>th</sup> Street  
West Allis, WI. 53227  
(414) 321-7514



AUTO BODY SPECIALISTS LLC  
 6024 WEST MITCHELL STREET  
 WEST ALLIS, WI 53214  
 PHONE: (414)545-9211 FAX: (414)545-7416  
 TAX ID: 391922584

RECEIVED

JAN 15 2009

CITY OF WEST ALLIS  
 CLERK/TREASURER

CD LOG NO 529-1 DATE 12/30/08

SHOP: AUTO BODY SPECIALISTS LLC INSP DATE: 12/30/08  
 ADDRESS: 6024 W MITCHELL STREET CONTACT: DAVID JAMBREK  
 CITY STATE: WEST ALLIS, WI PHONE 1: (414)545-9211  
 ZIP: 53214- FAX: (414)545-7416  
 EMAIL: AUTOBODYSPECIALISTS@HOTMAIL.COM

OWNER: JASNIEWSKI, JEFF WORK PHONE: (414)321-7514  
 ADDRESS: 2133 S 88TH ST  
 CITY STATE: WEST ALLIS, WI  
 ZIP: 53227

POINT OF IMPACT: 5

LIC#: 653APM STATE: WI VIN: 1FALP6536TK215959  
 BODY COLOR: TAN MILEAGE:  
 CONDITION: ACCTNG CTL#:

*=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

1996 FORD CONTOUR GL 4DOOR SEDAN 4CYL GASOLINE 2.0  
 CODE: P1743A/B OPTNS A/24

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
N	0016		FRT BUMPER CVR OVERHAU	ADDNL LABOR OPERA				1.5	1
I	0006		COVER, FRONT BUMPER	REPAIR				1.0	*1
L	0006	13	COVER, FRONT BUMPER	REFINISH				3.7	4
RI	0055		LAMP, SIDE MARKER	LT R&I ASSEMBLY				0.1	1
I	0103		FENDER, FRONT	LT REPAIR				2.0	*1
L	0103		FENDER, FRONT	LT REFINISH				2.8	4
E	0917		COVER, FRONT WHEEL	LT F5RZ1130D	41.32				1
I	0207		DOOR SHELL, FRONT	LT REPAIR				6.0	*1
L	0207		DOOR SHELL, FRONT	LT REFINISH				2.3	4
RI	0255		W/STRIP, BELT OUTER	L/F R&I ASSEMBLY				0.2	1
RI	0261		MLDG, FRONT DOOR SID	LT R&I ASSEMBLY				0.4	1

FORD CONTOUR GL 4DOOR SEDAN  
 LOG NO 529-1

10182	MIRROR, OUTER R/C	LT R&I ASSEMBLY		0.4	1
RI0227	HANDLE, FRONT DOOR	LT R&I ASSEMBLY		0.7	1
L M14	CORROSION PROTECTION	REFINISH		0.3*	4
L M17	COVER CAR EXTERIOR	REFINISH	8.00*		4
N	MASK JAMBS	ADDNL LABOR OPERA		0.5*	1*

16 ITEMS

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

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		41.32
OTHER PARTS		8.00
PAINT MATERIAL		291.20
PARTS & MATERIAL TOTAL		340.52
TAX ON PARTS & MATERIAL @	5.600%	19.07

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	1.8	11.0	665.60
2-MECH/ELEC	65.00			
3-FRAME	52.00			
4-REFINISH	52.00	9.1		473.20
5-PAINT MATERIAL	32.00			
LABOR TOTAL				1,138.80
TAX ON LABOR @			5.600%	63.77
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL 1,562.16

NET TOTAL 1,562.16

SHOPLINK U1707 ES CD LOG 529-1 DATE 12/30/08 01:15:13PM R6.37 CD 11/08  
 PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53214  
 HOST LOG  
 (C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

2.0 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.

-----



# WEST ALLIS POLICE DEPARTMENT

MARK SOPA

Traffic Investigator  
msopa@ci.west-allis.wi.us  
(414) 302-8141

11301 W. Lincoln Ave. West Allis, WI 53227 (414) 302-8000 Fax: (414) 302-8099 TDD: 302-8000

545-9211  
6029 W. Mitchell

After 1100

Claim #  
00651464482

Auto body spec  
AFTERM

Chris Miller  
1-800-692-6326  
Ext 48219

800-692-6326  
Ext 71345  
Barker

## WEST ALLIS POLICE DEPARTMENT DRIVER EXCHANGE AND INFORMATION SHEET

DATE: 12 / 24 / 08 TIME: 6:22 PM

LOCATION: 2133 S. 88 ST

NAME: Edman W. City of West Allis

ADDRESS: 7525 W. Greenfield Ave

CITY: West Allis ZIP: 53214

PHONE: ( ) 302-8000

INSURANCE COMPANY NAME: City of Villages Mutual

DRIVEREX

WEST ALLIS POLICE DEPARTMENT  
11301 West Lincoln Avenue  
West Allis, WI 53227  
414-302-8000

Trans #: V2009000539 (#1) 01/05/2009 09:

COPIES	1.25
Total	\$ 1.25
Amount Tendered	2.00
Change	0.75

SAVE THIS RECEIPT!!

*copies made*

POLICE # 08058873

ACCIDENT # A08122410

GENERAL INFORMATION

<input checked="" type="checkbox"/> Reportable Accident	<input type="checkbox"/> On Emergency	<input type="checkbox"/> Amended	DOT Document Number BRRFS55	Document Override Number
Agency Accident Number A08122410		Police Number 08058873		
4 - Accident Date 12/24/2008	5 - Time of Accident (Military Time) 1822	6 - Total Units 02	7 - Total Injured 00	8 - Total Killed 00
2 - County MILWAUKEE - 40	3 - Municipality WEST ALLIS - 60, CITY		11 - Accident Location NON-INTERSECTION	
14 - On Hwy No.	14 - On Street Name 88TH ST S	14 - Bus/Fmt/Rmp	15 - Est. Dist 120	FvMi F
16 - Fr/At Hwy No.	16 - From/At Street Name BECHER ST W		16 - Business/Frontage/Ramp	
17 - Structure Type HOUSE #	17 - Structure Number 2133	12 - Latitude		13 - Longitude -
80 - First Harmful Event PARKED MOTOR VEHICLE		93 - Manner of Collision NO COLLISION WITH MOTOR VEHICLE IN TRANSPORT		
112 - Access Control NO CONTROL	113 - Road Curvature STRAIGHT	113 - Road Terrain LEVEL/FLAT	Surface Type BLACKTOP (BITUMINOUS) - 2	
115 - Traffic Way NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC)				
117 - Relation To Roadway ON-ROADWAY				
114 - Light Condition DARK-LIGHTED		116 - Road Surface Condition SNOW/SLUSH		118 - Weather CLOUDY
<input type="checkbox"/> Hit and Run	<input type="checkbox"/> Government Property	<input type="checkbox"/> Fire	<input type="checkbox"/> Photos Taken	<input type="checkbox"/> Trailer or Towed
<input checked="" type="checkbox"/> Truck, Bus, or Hazardous Materials		<input type="checkbox"/> Load Spillage	<input type="checkbox"/> Construction Zone	<input checked="" type="checkbox"/> Names Exchanged
101 <input type="checkbox"/> Supplemental Reports	102 <input checked="" type="checkbox"/> Witness Statements	103 <input type="checkbox"/> Measurements Taken		79 - E M S Number

RECEIVED  
 JAN 15 2009  
 CITY OF WEST ALLIS  
 CLERK/TREASURER

Operator/Pedestrian

Unit Status	81 - Most Harmful Event: Collision With PARKED MOTOR VEHICLE		23 - Dir Of Travel NORTH	24 - Speed Limit 25
36 - Operating as Classified B CLASS	37 - Endorsements		35 <input checked="" type="checkbox"/> Operating Commercial Motor Vehicle	
29 - Driver's License Number V2002016204508	30 - State WI	31 - Expiration Year 2015	34 - On Duty/Accident WINTER-HWY-MAINTENANCE	
25 - Operator/Pedestrian Last Name VIS		25 - First Name EDWIN	25 - Middle Initial A	25 - Suffix
32 - Date Of Birth 02/05/1962	33 - Sex MALE			
26 - Address Street & Number 2660 S 94 ST			26 - PO Box	
27 - City WEST ALLIS		27 - State WI	27 - Zip Code 53227	28 - Telephone Number (414) 604-1619 EXT.
39 - Seat Position FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)			40 - Safety Equipment SHOULDER-BELT-AND-LAP-BELT-USED	
38 - Injury Severity N - NO APPARENT INJURY		41 - Airbag NOT APPLICABLE	42 - Ejected NOT-EJECTED	44 <input type="checkbox"/> Medical Transport
43 - Trapped/Extricated NOT-TRAPPED		92 - Pedestrian Location	92 - Pedestrian Action	
119 - What Driver Was Doing GOING-STRAIGHT		120 - Traffic Control NO-CONTROL		62 - No. of Citations Issued 0
64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.
122 - Driver Factors NOT-APPLICABLE				
88 - Driver or Pedestrian Cond APPEARED NORMAL		89 - Substance Presence NEITHER-ALCOHOL-NOR-DRUGS-PRESENT		
90 - Alcohol Test TEST NOT GIVEN		90 - Alcohol Content		91 - Drug Test TEST-NOT-GIVEN

OPERATOR/PEDESTRIAN 01

X  
 CS

**Wisconsin Motor Vehicle  
Accident Report** MV4000e 01/2005

**BRRFS5S**

PK2007

91 - Drugs Reported
124 - Highway Factors SNOW,-ICE,-OR-WET, OTHER

**Vehicle**

<b>VEHICLE 01</b>	21 - Unit Type <b>TRUCK</b>	Vehicle Type <b>SNOW-PLOW</b>				22 - Total Occupants <b>1</b>
	56 - License Plate Number <b>47655</b>	57 - Plate Type <b>MUN</b>	58 - State <b>WI</b>	59 - Exp Year	55 - Vehicle Identification Number <b>2FVX6HCB1VA650481</b>	
	50 - Year <b>1997</b>	51 - Make <b>FRHT</b>	52 - Model <b>DUMP</b>	53 - Body Style <b>TK</b>	54 - Color <b>WHI</b>	100 - Skidmarks to Impact (Ft) <b>0</b>
	94 - Vehicle Damage <b>MIDDLE DRIVER SIDE</b>					
	95 - Extent Of Damage <b>NONE</b>	96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By <b>OPERATOR</b>		
	123 - Vehicle Factors <b>NOT-APPLICABLE</b>					

**Vehicle Owner**

<b>VEH OWNER 01</b>	45 <input type="checkbox"/> Vehicle Owner Same As Operator					
	46 - Vehicle Owner Last Name		46 - First Name	46 - Middle Initial	46 - Suffix	
	46 - Company Name <b>CITY OF WEST ALLIS</b>					
	47 - Address Street & Number <b>7525 W GREENFIELD AVE</b>			47 - PO Box		
	48 - City <b>WEST ALLIS</b>		48 - State <b>WI</b>	48 - Zip Code <b>53214</b>	49 - Telephone Number <b>(414) 302-8200 EXT.</b>	

**Insurance**

<b>INS 01</b>	63 - Liability Insurance Company <b>CITIES-&amp;-VILLAGES-MUTUAL-INS-CO</b>		60 <input type="checkbox"/> Policy Holder Same As Owner
	61 - Policy Holder Last Name		61 - Policy Holder First Name
	61 - Policy Holder Company <b>CITY OF WEST ALLIS</b>		

**School Bus**

<b>BUS 01</b>	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

**Operator/Pedestrian**

Unit Status <b>L - LEGALLY PARKED</b>		81 - Most Harmful Event: Collision With <b>MOTOR VEHICLE IN TRANSPORT</b>		23 - Dir Of Travel	24 - Speed Limit <b>25</b>
36 - Operating as Classified <b>D CLASS</b>		37 - Endorsements		35 <input type="checkbox"/> Operating Commercial Motor Vehicle	
29 - Driver's License Number		30 - State	31 - Expiration Year	34 - On Duty Accident	
25 - Operator/Pedestrian Last Name		25 - First Name		25 - Middle Initial	25 - Suffix
32 - Date Of Birth		33 - Sex			

**Wisconsin Motor Vehicle  
Accident Report** MV4000e 01/2005

**BRRFS5S**

PK2007

**OPERATOR/PEDESTRIAN 02**

26 - Address Street & Number				26 - PO Box	
27 - City		27 - State	27 - Zip Code		28 - Telephone Number
39 - Seat Position <b>BLANK</b>			40 - Safety Equipment <b>NOT-APPLICABLE-NONMOTORIST</b>		
38 - Injury Severity		41 - Airbag <b>NOT APPLICABLE</b>	42 - Ejected <b>NOT-APPLICABLE</b>		44 <input type="checkbox"/> <b>Medical Transport</b>
43 - Trapped/Extricated <b>NOT-APPLICABLE</b>		92 - Pedestrian Location		92 - Pedestrian Action	
119 - What Driver Was Doing <b>LEGALLY-PARKED</b>		120 - Traffic Control <b>NO-CONTROL</b>		62 - No. of Citations Issued <b>0</b>	
64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.	
122 - Driver Factors <b>NOT-APPLICABLE</b>					
88 - Driver or Pedestrian Cond		89 - Substance Presence			
90 - Alcohol Test		90 - Alcohol Content		91 - Drug Test	
91 - Drugs Reported					
124 - Highway Factors <b>OTHER</b>					

**Vehicle**

21 - Unit Type <b>AUTOMOBILE</b>			Vehicle Type <b>PASSENGER-CAR</b>			22 - Total Occupants <b>0</b>
56 - License Plate Number <b>653APM</b>		57 - Plate Type <b>AUT</b>	58 - State <b>WI</b>	59 - Exp Year <b>2009</b>	55 - Vehicle Identification Number <b>1FALP6536TK215959</b>	
50 - Year <b>1996</b>	51 - Make <b>FORD</b>	52 - Model <b>CONTOUR</b>	53 - Body Style <b>4D</b>	54 - Color <b>TAN</b>	100 - Skidmarks to Impact (Ft) <b>0</b>	
94 - Vehicle Damage <b>MIDDLE DRIVER SIDE, FRONT DRIVER SIDE</b>						
95 - Extent Of Damage <b>MODERATE</b>		96 <input type="checkbox"/> <b>Vehicle Towed Due To Damage</b>		97 - Vehicle Removed By <b>OWNER</b>		
123 - Vehicle Factors <b>NOT-APPLICABLE</b>						

**Vehicle Owner**

45 <input type="checkbox"/> <b>Vehicle Owner Same As Operator</b>					
46 - Vehicle Owner Last Name <b>JASNIEWSKI</b>		46 - First Name <b>JEFFREY</b>	46 - Middle Initial <b>D</b>	46 - Suffix	
46 - Company Name					
47 - Address Street & Number <b>2133 S 88 ST</b>			47 - PO Box		
48 - City <b>WEST ALLIS</b>		48 - State <b>WI</b>	48 - Zip Code <b>53227</b>	49 - Telephone Number <b>(414) 321-7514 EXT.</b>	

**Insurance**

PK2007

<b>INS 02</b>	63 - Liability Insurance Company <b>NOT-REQUIRED</b>		60 <input type="checkbox"/> <b>Policy Holder Same As Owner</b>
	61 - Policy Holder Last Name		61 - Policy Holder First Name
	61 - Policy Holder Company		

**School Bus**

<b>BUS 02</b>	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

**Diagram and Narrative**

<b>DIAGRAM AND NARRATIVE</b>	105 - PHOTOS BY
	<p style="text-align: right;">Drawings Not to Scale Measurements Are Approximate</p>
<p>UNIT #1 A CITY OWNED DUMP TRUCK SPREADING SAND ON THE SIDESTREETS SIDESWIPED LEGALLY PARKED UNIT #2 IN FRONT OF 2133 S. 88 ST. A WITNESS, THE SON OF THE OWNER OF UNIT #2 OBSERVED THE INCIDENT THROUGH A WINDOW AND OBSERVED UNIT #2 MOVING SIDE TO SIDE AS THE TRUCK TRIED TO SLOWLY DRIVE PAST. THE ROAD WAS VERY NARROW DUE TO HEAVY SNOW AND THE STREETS WERE NOT PLOWED TO THE CURBS RESULTING IN NARROW ROADS. UNIT #2 WAS THE ONLY VEHICLE ON THE WEST SIDE OF THE STREET. THERE WERE NUMEROUS VEHICLES PARKED ON THE EAST SIDE OF THE STREET BUT NONE WERE ACROSS FROM UNIT #2. THE DRIVER OF THE DUMP TRUCK STATED A TRUCK WAS PARKED ACROSS FROM UNIT #2 AND WAS MOVED FORWARD PRIOR TO MY ARRIVAL. DRIVER OF UNIT #1 STATED HE WAS NOT AWARE HE STRUCK THE VEHICLE. IT APPEARS THE PLOW UNDER THE TRUCK STRUCK UNIT #2.</p>	

**Witness**

<b>WITNESS 01</b>	107 - Witness Last Name <b>JASNIEWSKI</b>		107 - First Name <b>MIGUEL</b>		107 - Middle Initial <b>C</b>
	108 - Address Street & Number <b>2133 S 88 ST</b>			108 - PO Box	109 - Date of Birth <b>09/25/1980</b>
	110 - City <b>WEST ALLIS</b>		State <b>WI</b>	110 - Zip Code <b>53227</b>	111 - Telephone Number <b>(414) 321-7514 EXT.</b>

**Officer Information**

**Wisconsin Motor Vehicle**  
**Accident Report** MV4000e 01/2005

**BRRFS55**

PK2007

<b>OFFICER INFORMATION</b>	125 - Officer Last Name <b>SOPA</b>		125 - First Name <b>MARK</b>		125 - Middle Initial		131 - Officer ID <b>1225</b>		
	129 - Law Enforcement Agency No. <b>4116</b>		130 - Law Enforcement Agency Name <b>WEST ALLIS POLICE DEPARTMENT</b>						
	126 - Law Enforcement Agency Address Street & Number <b>11301 WEST LINCOLN AVENUE</b>								
	127 - City <b>WEST ALLIS</b>			127 - State <b>WI</b>		127 - Zip Code <b>53227</b>		128 - Telephone Number <b>(414) 302-8000 EXT.</b>	
	132 - Date Notified <b>12/24/2008</b>		133 - Time Notified (Military Time) <b>1823</b>		134 - Time Arrived (Military Time) <b>1834</b>		135 - Date Of Report <b>12/27/2008</b>		
	Agency Accident Number <b>A08122410</b>		Police Number <b>08058873</b>		19 - Special Study				
	18 - Agency Space								

**Truck and Bus**

<b>TRUCK/BUS</b>	136 A truck or truck combination > 10,000 lbs <input checked="" type="checkbox"/> GVWR/GCWR				136 Any vehicle displaying a hazardous materials <input type="checkbox"/> placard				
	136 <input type="checkbox"/> A vehicle designed to carry 9 or more people, including the driver								
	136 <input type="checkbox"/> Fatal Injury		136 <input type="checkbox"/> Medical Transport		136 <input type="checkbox"/> Towed				
	Unit Number								
	137 - Hazardous Materials Class Numbers								
	137 - Hazardous Materials "UN" Nos.				Hazardous Material Placard Displayed <input type="checkbox"/>		Hazardous Cargo Was Released <input type="checkbox"/>		
	137 - Name Of Hazardous Materials in this Load				137 - Name Of Hazardous Materials Released				
	138 Interstate Carrier <input type="checkbox"/>		140 - US DOT No.		140 - ICC MC No.		LC No.	IC No.	141 - Source
	139 - Carrier Name								
	142 - Carrier Address				City		State	Zip Code	
	143 - GVWR (Lbs)		144 - Total No. of Axles		145 - Vehicle Configuration			147 - Cargo Body Type	
	146 - First Event				146 - Second Event				
146 - Third Event				146 - Fourth Event					





OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

April 3, 2009

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

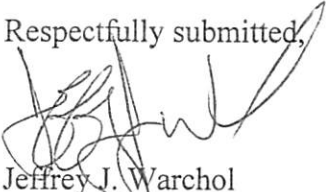
Dear Council Members:

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:**

Ziklag Global Investments, Inc. (\$41,000.00)  
Dianne Kerzner (\$242.88)  
Jeffrey Jasniewski (\$1,562.16)  
Stephanie Wisneski (\$131.58)

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC