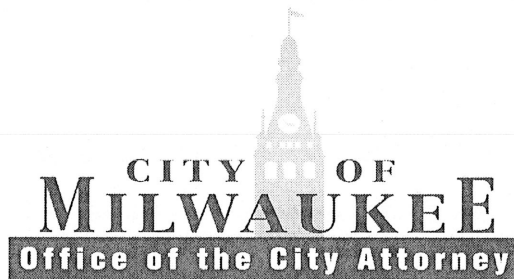


TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
S.TODD FARRIS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
ALLISON N. FLANAGAN
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
ANTHONY JACKSON
STACY J. MILLER
JORDAN SCHETTLE
THERESA MONTAG
TYLER M. HELSEL
NANCY A. DOMINSKI
ALEXANDER E. FOUNDOS
CHRISTOPHER JACKSON
JAMES D. LEWIS
Assistant City Attorneys

October 11, 2022

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: C.I. File No. 1029-2022-1072
Communication from Karolin C. Winston

Dear Mr. Sir or Madam:

Enclosed please find a proposed resolution. We ask that it be referred to the Committee on Judiciary and Legislation with the following recommendation.

On May 9, 2022, the Sewer Maintenance Division responded to a complaint from claimant regarding sewer backup at 4402 North 65th Street. The field investigator dispatched to the location discovered that the City's eight-inch sanitary sewer was clogged. The investigator immediately enlisted a Jet-Vac cleaning crew to clear the sewer, relieving the backwater at the location.

On May 10, 2022, the sewer was examined and found to be in good condition and functioning properly. The clog was due to paper product build up in the sewer. The sewer is on a three year cleaning cycle and was last cleaned on November 3, 2021.



To the Honorable Common Council
Of the City of Milwaukee
October 11, 2022
Page Two

It is our position that the sewer backup did not result from the negligence of the City. In addition, when notified of the problem, Sewers responded in a timely manner and cleaned the sewer, alleviating the backwater at the location. Therefore, the City is not liable for damages in this case, and we recommend that the claim submitted by Karolin C. Winston in the amount of \$25,000.00 be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



S. TODD FARRIS
Deputy City Attorney

STF/PK/cdr

Enclosures

c: Robert Brooks (Sewer Services Manager)

1029-2022-1072/282071