

Aldermen, I have prepared a packet for each of you. You have:

- a copy of the letter of denial of claim from the City Attorney's Office. I have made notes on it. The clarification in my letter that I will read has to do with the real site of the incident in question. The letter also shows the ready acceptance of the garbage truck driver's denial.
- my prepared letter of explanation
- letters of corroboration from neighbors
- maps of the parking lots showing dumpster placements

Submitted by:
Mary Lynn Weber
C.I.File No: 05-S-315

March 20, 2006

CITY OF MILWAUKEE

Form CA-43

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January 25, 2006

Mary Lynn Weber
1342 East Randolph Court C
Milwaukee, WI 53212

RE: Mary Lynn Weber
C.I. File No: 05-S-315

Dear Ms. Weber:


We have received your claim in the amount of \$325.00, relating to damage sustained to your vehicle on October 12, 2005 when you backed into the garbage dumpster that was allegedly placed outside of its indented storage space at 1342 East Randolph Court. *This is what my clarification is all about. Details? Location, date, etc*

a simple denial?
Our investigation reveals the Fleet Accident Report completed as a result of this incident noted that the driver whom serviced this dumpster denied that he misplaced said dumpster. If the dumpster was protruding as you allege in your claim, you had the duty of lookout and control of your vehicle while backing. The primary liability for this loss rests with you, as such; we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
1058-2005-2927:101194

JUDICIARY & LEGISLATION COMMITTEE, Alderman D'Amato presiding
March 20, 2006

Re: Mary Lynn Weber
1342 East Randolph Court Unit C
Milwaukee, WI 53212 (River Woods Condominiums)

C.I. File No. 05 S 315

Alderspersons:

I requested a hearing relating to the incident involving a claim for property damage because I think the facts were not represented well. The following are dates and circumstances surrounding the incident that I wish to call to your attention.

- the situation concerns the garbage dumpster located behind 1336 E. Randolph Court. On the morning of October 12, 2005, it was picked up, dumped, but not returned to its designated indented area.
- the depth of the garbage dumpster area is ten (10) feet.
- the depth of the dumpster is seven (7) feet, three (3) inches, including the extension which provides the truck to lift the dumpster.
- the dumpster is usually placed at the back of the indented area.
- this would allow almost three (3) feet inside the space designated for the dumpster, ample clearance for the person parking in the last space of that parking lot.
- the dumpster was **not** returned inside the designated area. It protruded twelve (12) to fifteen (15) inches outside the designated area.

These are the physical dimensions that were not provided earlier. I also have sketched the parking lots to indicate which lots belong to which addresses. I think they should help you to visualize the setting more clearly.

I went to my car later that day, between 5:00 and 5:15 p.m. It was nearing dusk. When I backed out, I did check the rear view mirror and did look over my shoulder. I was habituated, however, to the dumpster being in its usual place. My car and the dumpster met.

The next morning I took pictures. I also called the City to report the incident. I was told I would be contacted. I had the rear view mirror replaced that day (October 13) as advised by the owner of Shorewood Auto Repair since it would only bang against the car, cause more damage, or fall off. A set of pictures was sent later to Mr. Overholt (Investigator Adjuster) with a second letter.

On the morning of October 19 a city supervisor came to look at the site of the incident. Fortunately, I was present for his visit. In fact, I saw him in his truck on the street, guessed why he was there, waved him to the parking lot where my car was parked and

was able to describe what my concern was. I had not been alerted as to when he would visit the site.

Unfortunately, a well-intentioned neighbor had used his beater of a car to push back the dumpster on Sunday, October 16. The day before, on Saturday, October 15, some neighbors had gathered at the site, and I told them about the incident. The well-intentioned neighbor said he would push back the dumpster. Twice I told him not to, explaining that an inspector from the City would be coming out. Another neighbor said that their dumpster had been placed outside the designated area on the same day that the dumpster in the parking lot that I use had been misplaced.

In spite of the fact that the dumpster was in its correct place at the time of the inspector's visit (not as it had been until Sunday, October 23), he seemed to accept my explanation, acknowledged my honesty, and I felt comfortable with the thought that the matter would be well handled.

The maps provided will show the configuration of the parking lots, the designated areas for the dumpsters, and the parking spaces for residents' cars. You will be able to see that there is a difference in lots, in designated spaces for dumpsters, and in parking spaces for residents' cars.

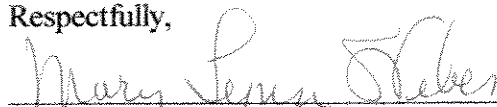
Another clarification is necessary. In the letter of denial of claim the location of the incident is referred to as 1342 East Randolph Court. I had tried in an earlier letter to explain that the 1342 address is my address of residence. My car is parked in the lot behind 1336 East Randolph Court. If there was a follow-up inspection, I definitely think that there was confusion about where the incident took place.

The garbage truck driver denied that he misplaced the dumpster. You accepted his word. I submit to you that perhaps he has many locations where he picks up and places dumpsters. Perhaps he can make a mistake on occasion. I also submit to you that others in our complex have had complaints about where the dumpsters have been returned. Letters of support are attached.

Sole responsibility has been placed on me. I reject your decision. Does not the City employee bear responsibility to place a dumpster where it belongs?

I ask you to reverse your decision to deny my claim.

Respectfully,



Mary Lynn Weber
1342 East Randolph Court
Milwaukee, WI 53212

William P. Straub
3476 A N. Dousman St.
Milwaukee, WI, 53212-1757

March 16, 2006

Judiciary & Legislation Committee, Alderman D'Amato presiding

Re: Mary Lynn Weber
1342 East Randolph Court Unit C
Milwaukee, WI 53212
C.I. File No. 05 S 315

Alderspersons:

I live in the condo to the west of Ms. Weber's parking lot. I am aware of the damage done to her car because of the dumpster being out of its usual position on October 12, 2005. The dumpster was obviously not in its designated indented area in the parking lot. As a matter of fact, the dumpster for our building was also out of position, at least a foot outside the designated area, on October 12th. The car in the last parking space, furthest North, in our parking lot also has difficulty backing out of her spot when the dumpster in out of its designated area.

I am also aware that Ms. Weber's neighbor moved the dumpster, even though she had requested that he leave it in position so the inspector could see that it was not in its designated area.

Ms. Weber did tell me later that she was told to file a claim with the City so she could be reimbursed for the cost of replacing the rear view mirror. She had the mirror replaced that day. She later informed me that the City would not honor her claim because the garbage truck driver disputed that the dumpster was out of place. This resulted in Ms. Weber's claim being denied. She then requested a hearing. As a matter of fact, today our dumpster is jutting out into the parking lot at least two feet beyond its usual position. Unfortunately I am unable to attend the hearing because of employment, but I wish to provide this statement in Ms. Weber's behalf at this hearing today.

Thank you for your further consideration of this matter, which I hope can be resolved in a satisfactory manner.

Sincerely,


William P. Straub

Date: March 19, 2006

To: The Judiciary & Legislation Committee

From: Richard Johns
1315-D E. Randolph Court
Milwaukee WI 53212-1834

Re: Dumpster placement

I have had many problems over the years I have lived at River Woods. My parking spot is at the bottom of the ^{FK}parking lot. When the dumpster is placed off the pad that was made for it, I have difficulty getting out of my spot. Because of a serious back problem, I can't see the dumpster as I back-up. I have come very close to hitting it many times.

For the most part, the drivers will leave the dumpster as much as half-way off of the pad left to right. But sometimes it is left forward of its proper place into the parking lot itself. This was the case, around the time Ms. Weber had a run-in with her dumpster. And it makes it hard for me too.

I have had to have several talks with the drivers about the proper placement of the dumpster. Some have been cooperative, while others have been argumentative with me. Sometimes I feel they misplace the dumpster on purpose. I hope this is not the case.

I have tried to have this ongoing problem corrected by calling their supervisor, as recommended by Mike Damato's office. But this seemed to have no effect. So, I am stuck with going out when I hear the truck to tell the drivers not to block me in by misplacement of the dumpster. If I miss them and they misplace it, I am blocked in for a week at a time.

Hopefully, by putting this complaint in writing, this situation can be corrected without further action. In other words, before I find myself in Ms. Weber's place. Fighting for compensation because I will hit the dumpster eventually, if it is not on its pad.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Richard Johns". The signature is written in black ink and is positioned below the typed name and address.

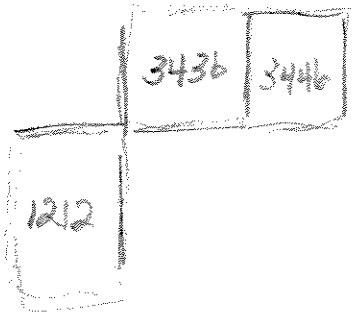
① PARKING Lot
maps
for WEBER
hearing



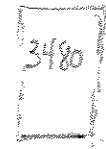
Humboldt

KERN
PARK
→

DOUSMAN



DRIVE-
WAY



3476
Bill Straub
Residence

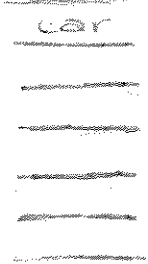
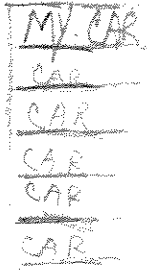
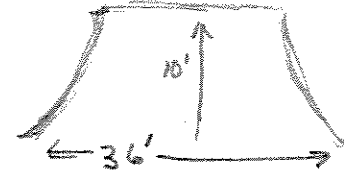
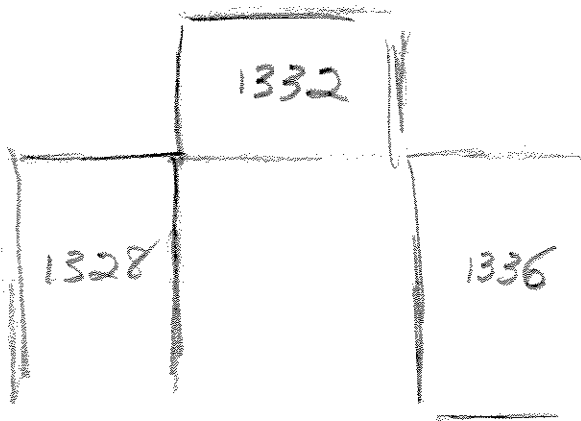


Space for this
car is farther
away from
Dumpster.



Grassy DIVIDER

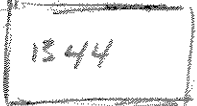
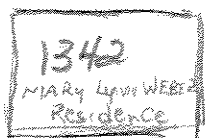
KERN
PARK
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DRIVEWAY

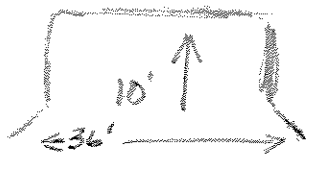
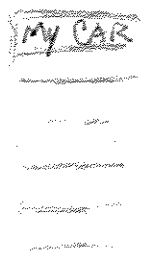
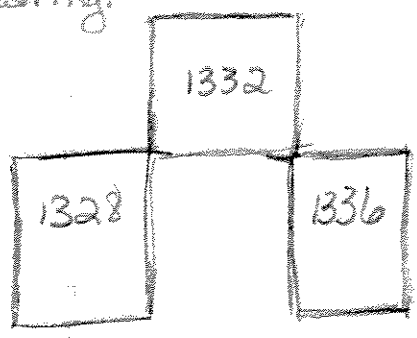
E.
RANDOLPH
CT

DRIVEWAY



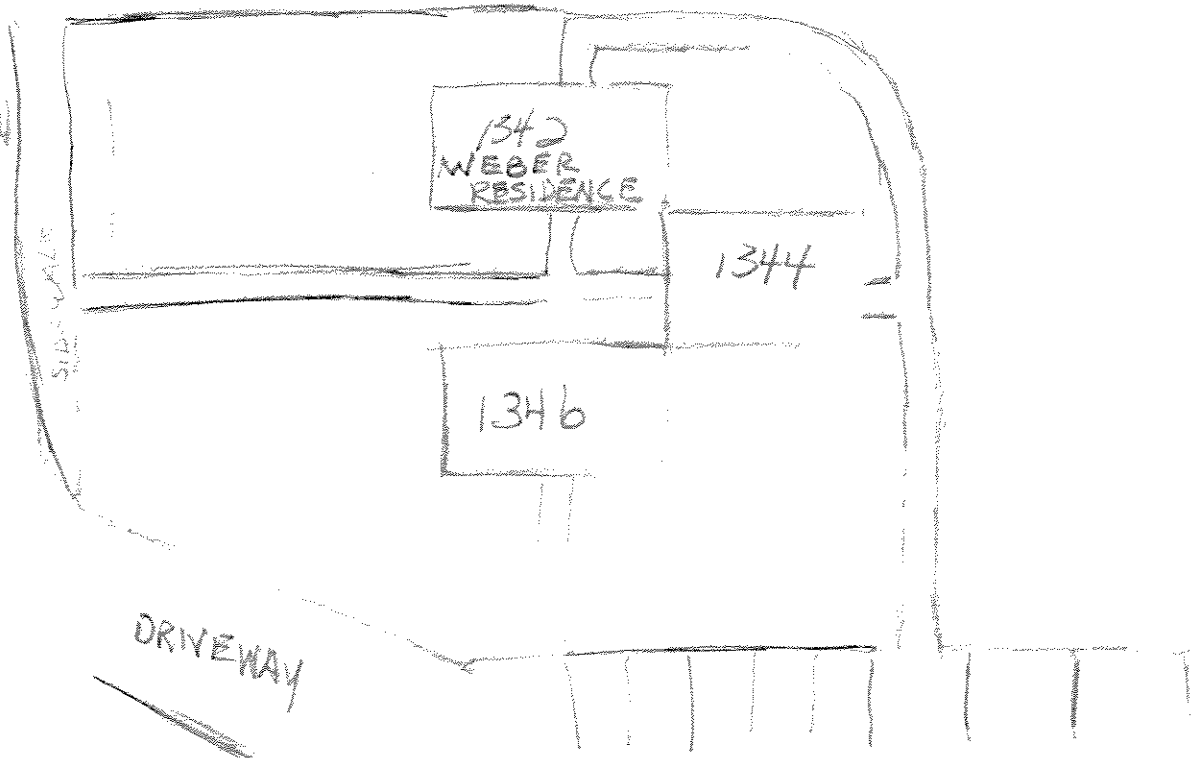
② Parking Lot
MAPS
for WEBER
hearing.

Grassy DIVIDER



1ST INVESTIGATION
October 19, 2005

E. RANDOLPH
COURT



KERN
PARK

IF A SECOND
INVESTIGATION
TOOK PLACE, THE INVESTIGATOR
MAY HAVE COME DOWN
THIS DRIVEWAY thinking
that the dumpster in question
"belonged" to 1342.

DUMPSTER
FRONT

THIS DUMPSTER
IS PLACED ON
A TRIANGULAR
PLOT OF DIRT
THERE IS NO
INDENTATION
FOR IT.