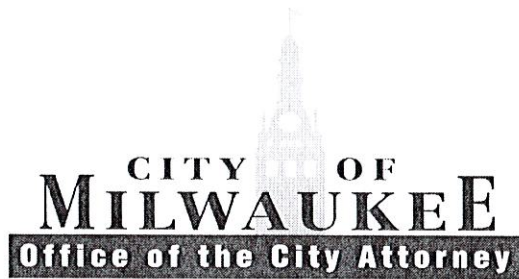


TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
YOLANDA Y. MCGOWAN
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
JAMES M. CARROLL
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
JOHN D. MCNALLY
STACY J. MILLER
MICHAEL RADAVICH
JORDAN SCETTLE
MATTHEW NEVARANTA
THERESA MONTAG
TYLER M. HELSEL
NANCY A. DOMINSKI
RYAN J. HARRINGTON
Assistant City Attorneys

July 6, 2022

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

Re: Communication from Steve Reupert
C.I. File No. 1068-2021-1108

Dear Council Members:

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

On August 10, 2021, Steve Reupert notified the Forestry Department of a City tree that had fallen down and on his house located at 1630-1632 North 60th Street. On August 11, 2021 a Forestry crew responded and found an uprooted City tree lying on the property and causing damage. A Forestry crew documented the damage, noted the tree to be in good health with no visible signs of decay, and removed the tree.

The City of Milwaukee experienced a strong thunderstorm event on August 10, 2021. The storm produced sustained wind speeds of 35 MPH and peak winds of 50 MPH, along with .13 inches of rain on top of the 3.29 inches received over the previous four days. These saturated soils and excessive wind speeds caused catastrophic tree failures throughout the City.



The Honorable Common Council
Of the City of Milwaukee
July 6, 2022
Page Two

It is Forestry's position that there was no reasonable or prudent action that could have foreseen or prevented this damage from occurring. Therefore, there is no evidence that the City was negligent in this matter, and as such, the city would not be liable. It is recommended that the claim submitted by Mr. Reupert in the amount of \$28,548.33 be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



TODD FARRIS
Deputy City Attorney

TF/PK/kdb

Enclosure

c: Jeffrey Laufenberg (Forestry)

1068-2021-1108:280679