

CITY OF MILWAUKEE

Form CA-43

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October 25, 2001

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

Re: Communication from West Bend Mutual Insurance
on behalf of David Petska
C.I. File No. 00-L-164

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Kathy Bellis, Senior Claims Representative of West Bend Mutual, Post Office Box 14158, West Allis, WI 53214-0158 on behalf of and in the interest of their insured David Petska allege that their insured was involved in an automobile accident on September 18, 2000 at the intersection of West Capitol Drive and North Green Bay Avenue that was due to the negligence of the City of Milwaukee. They claim the City electrician negligently switched the traffic signal from flashing red to normal operating mode. They claim damages in the amount of \$5,523.28.

Our investigation reveals that Infrastructure Services Division responded to a complaint that the traffic signals at the intersection were not working properly. Upon arrival, the mechanic noted the signals were in four-way red flash mode and required repairs.

After the necessary repairs were completed, the signals were taken out of the "flash mode" and switched into the normal mode of operation. Witnesses indicated the insured's vehicle entered the intersection properly under a green light, as the other vehicle proceeded through a solid red light. The division followed normal and customary procedures in this matter, thus the City cannot be held liable for this loss. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



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MGT:beg
Enclosure