

Michael J & Sandra A Wagner  
6214 South 3rd Street  
Milwaukee, WI 53207  
(414) 762-0355

September 6, 2011

City of Milwaukee  
Office of the City Attorney  
Grant F. Langley  
800 City Hall  
200 East Wells Street Room 205  
Milwaukee, WI 53202-3551

C.I. File # 11-S-222

CITY OF MILWAUKEE  
RECEIVED  
2011 SEP -9 PM 2:49  
OFFICE OF THE  
CITY ATTORNEY

Dear Mr. Langley;

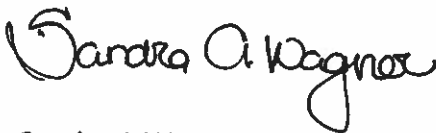
We received your letter, dated August 22, 2011, denying our claim for damages received during the City of Milwaukee sewer back up into our home on April 11, 2011.

We wish to appeal this decision and request that a hearing date be scheduled.

Please notify us of this date in writing, no less than 30 days in advance. We must give proper notice to our employers for time off work to attend this hearing.

Sincerely,

  
Michael J Wagner

  
Sandra A Wagner

CITY OF MILWAUKEE  
2011 SEP -9 AM 7:34  
RONALD D. LEONHARDT  
CITY CLERK

Michael & Sandra Wagner  
6214 South 3rd Street  
Milwaukee, WI 53207  
414-762-0355  
414-840-6746 daytime phone

CITY OF MILWAUKEE

2011 AUG -3 PM 1:08

RONALD D. LEONHARD  
CITY CLERK

OFFICE OF  
CITY ATTORNEY

2011 AUG -3 PM 3:30

CITY OF MILWAUKEE  
RECEIVED

Re: Sewer Back Up Monday 4/11/11 -

I, Sandra Wagner, arrived home from work approximately 4:00 pm on Monday April 11, 2011. At around 4:30 pm I was heading into the basement area to get something out of the freezer. Halfway down the basement stairs I noticed what looked like a sheet of glass on the basement floor. As I reached the bottom of the stairs, I noticed that it was about 3-4 inches of standing water. The water covered the entire basement floor. I ran back up the stairs to get the phone. I called my husband at 4:39 as he was still at work. He suggested that I go down to check the sump pump. The water covered my shoe and was approximately 3-4 inches deep. I confirmed that the sump pump was working properly. He asked me to look in the laundry area - where I noticed that water was bubbling at the drain. He then asked me to call Feltner's Sewer & Drain Service and ask them to come out right away. I hung up the phone and went upstairs to get a phone book. Called Feltner's at around 4:45pm and they said they were sending a crew right away. My husband called back to say that he called the City of Milwaukee, because he noticed some work going on in our neighborhood and wanted to check to see if there were any issues. (4:52pm) the person on the other end of the line said, "How can you have water coming in your basement it isn't raining." "We'll send out a crew." My husband arrived home at around 5:30pm and we immediately started two submersible pumps to start taking the sewer water out of the basement and keep it from getting any deeper. These two pumps were just barely able to keep up with the amount of water coming up from the sewer. However, our quick thinking kept the water from destroying any major appliances. (Freezer, refrigerator, washer, dryer, water heater, furnace...etc)

When the crew from Feltner's arrived, at the house they went down into the basement and checked out all our drains and to see where the water was coming from. They then went outside and proceeded to check out the manhole cover in front of the house, they stated that the main sewer was clogged and they were sure that the back up was not our issue. My husband arrived home as the crew from Feltner's was checking the manhole. Feltner's crew noticed a City of Milwaukee truck at the far North end of 3rd Street and walked down to talk to them. Feltner's returned and stated that it was a City of Milwaukee Sewer issue, but they could return on Wednesday 4/12/11, after the sewer was opened to clean out the lateral to the street. Stating that many times when the sewers are cleared with high powered flush that debris get into the lateral. We agreed to have this done and they did return to do the suggested work. After the crew from Feltner's left, my husband also went down to talk to the City of Milwaukee crew on 3rd Street. They were looking at a series of maps/diagrams. My husband asked if they knew what the issue was and approximately how long before the sewer was re-opened. Joselyn Mc Kinnley, Sewer Supervisor stated that they were trying to find out where the main was clogged and the diagrams didn't seem to be current and were unsure how long it would be. They did however have a sewer jet crew in route. My husband returned and we continued to pump water, coming up from the sewer, out of the basement. A man working with Joselyn McKinnley - also entered our house to look at the basement and see where the water was coming from. He also stated that it was a City of Milwaukee sewer issue and what a horrible situation this was. He provided the information for filing a claim with the City of Milwaukee for loss or damage.

Approximately 7:30pm as we were working in the basement we noticed the water starting to go down the drain where it had been coming in. For the next several hours, we continued to move things and wet dry vacuum the entire basement.

We made calls to our insurance company, American Family 1800-692-6326- to notify them of the situation and find out what might be covered by our homeowners policy. We were given claim # 831-101784. We were told that a claim adjuster would be in contact.

#### Tuesday, 4-12-11

Both my husband and i had to take time off work to remove carpet, cabinets and water soaked items from the basement. We also went to pick up supplies to clean & disinfect the entire basement due to having sewer back up.

Feltner's Sewer & Drain returned to power rod the main house sewer and remove debris from house lateral. Also suggesting running a camera through to check for additional damages to the lateral, which we declined. The total cost for the work done was \$195.00.

George Novak, Claim Adjuster - American Family, visited us. He took pictures and surveyed the damages caused by the sewer back up. He also gave suggestions on how to sanitize and disinfect the basement. Giving suggestions on what items could be saved and what types of things need to be disposed of. Offering names of restoration companies that we might choose to help with water damage and cleanup. We were told that the damages that we sustained were not covered under our current policy.

Attached is the e-mail letter that George Novak received from Nancy Alvarado, Sewer Program Manager - regarding the sewer clog on South 3rd Street and what action was taken and would be taken to resolve the backup issue.

#### Wednesday, 4-13-11

Both my husband and i had to take another day off work to complete the basement cleanup.

We feel that the City of Milwaukee is negligent for failure to properly maintain the working order of the main sanitation sewer lines in our neighborhood. In the 23 years that we have lived in our home at 6214 South 3rd Street, we have never had an incident of water in our basement. We had a sump pump failure in 2003, which caused a small amount of clean rainwater to enter the basement. Not even during the most recent heavy rains did we ever have water issues in our basement. When my husband questioned the City crew on site and the operator that he spoke with at 286-2489, about when the sewers were checked or cleaned last, they could not remember or retrieve that information.

We also feel like the boring work being done on the south side of College Avenue (at the top of our hill) also could have contributed to the clogging issue. We were the only affected residence on South 3rd Street. When we questioned the City workers as to why no one else was affected - we were told, that were at the bottom of the hill and our lateral/basement would have to fill up before the next house would be affected. We are thankful to have found the water back up when we did and to have thought quickly enough to start the pumps to keep the water level from damaging more of our basement contents. Although having the sewer water in the basement made for hours / days of extensive cleanup and sanitizing, as well as, the damage of some of our basement items.

We started cleaning on the evening of 4/11/11 and continued to clean the basement and through 4/21/11. We missed 2 days of work for the major bleaching and removal of carpet and other items from our basement.

We are seeking damages and reimbursement for damages as stated.

Feltner's Sewer & Drain returned to power rod the main house sewer and remove debris from house lateral. Also suggesting running a camera through to check for additional damages to the lateral, which we declined. The total cost for the work done was \$195.00.

Basement carpeting/installation  
2 estimates provided from:

Stu's Flooring - Basement carpet replacement - Reaction 26 color #745 12x 49 / labor \$ 1892.00  
Carpet is replacing the same carpet style and color as previous. (Commercial grade carpet)

Kern's Carpeting - Basement carpet replacement - Install/Rec Room glue to concrete. \$1890.00

Sony Home Theatre System Sub-Woofer damaged - water entered the sub-woofer and damaged the internal components and exterior cabinet  
Purchased 4/9/11 \$99.99

\*\*Baby Crib Mattress - The mattress was stored in plastic under the basement stairs due to the standing water the entire mattress was full of sewer water and had to be disposed of.  
Receipt - Pewaukee Mattress purchased 1/6/90 = \$50.95

\*\*2 - Tochiere Lamps - Due to the standing water these lamps  
Purchased 9/8/90 2 @ \$49.90 = \$99.80

\*\*Basement Storage Cabinets - Due to the standing sewer water the bottoms of these cabinets started to soak up water and crumble. These cabinets were made of press board and were painted. They held toys, books and videos stored in them.

Receipt - Builders Square purchased 3/25/95

2 cabinets - 70" tall x 16" deep x 36" wide 2 @ 136.49 = \$272.98

2 cabinets - 35" tall x 20" deep x 24" wide. 2 @ 68.99 = \$137.98

Storage Bins Purchased 4/12/11 & 4/16/11- to store items previously stored in the basement cabinets which need to be discarded due to water damage. Walmart 4/16/11 \$ 95.44

Cleaning Supplies Receipts -

Menards 4/12/11 & 4/16/11 - \$130.18

Reimbursement for time off work - 4/12/11 - 4/13/11

Sandra A Wagner - \$375.00 - See attached pay stub - Paid Full Salary/Seeking 2 days Vacation  
Time lost Michael J Wagner- \$672.56 - See attached pay stub

Walgreens Photo - Photo processing for claim \$5.24 & \$4.94 = \$10.18

DAMAGES [REDACTED] per estimates, receipts & original receipts

\*\*Some of the receipts provided are original and we would like the City to take into account that replacement at "today's" costs would be significantly higher. We feel that we are being very modest in our claim. We would like the City of Milwaukee to take into consideration that our quick response of running pumps to minimize the damages, significantly reduced the amount of the claim. Although, we are claiming two full days off work to clean and disinfect the entire area, we feel like this is a modest amount of time, as we did continue to clean and work in the basement for roughly 2 weeks after this incident. We were not covered for any damages on our homeowners policy and received no compensation for any of the damages from any other sources.

Please note that our damages are far greater than this and we are seeking far less than we are .

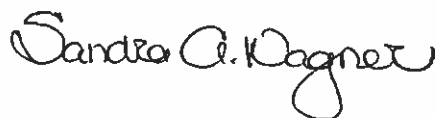
Besides the monetary loses, we would also ask that the City of Milwaukee check and maintain the main sewer lines in our neighborhood more regularly, so this doesn't happen to us in the future.

Sincerely,

Michael J Wagner



Sandra A Wagner



Home (414) 762-0355  
Mike Cell: (414) 840-6746  
Sandy Cell: (414) 840-6747

FW: 6214 S 3rd St.

George A Novak, MBA, AIM  
Property Claims Field Senior Adjuster

Ext: 21756  
Mobile: (414) 801-2434  
Email: gnovak@amfam.com

Scanning Center  
6000 American Parkway  
Madison WI 5378

From: Novak, George A <GNOVAK@amfam.com>  
To: mswags02 <mswags02@aol.com>  
Subject: FW: 6214 S 3rd St.  
Date: Tue, Apr 12, 2011 12:39 pm

1-800 MY AMFAM (800-692-6326)  
amfam.com/claims



Mike,

This is the email I got from the City of Milwaukee.

George Novak

From: Alvarado, Nancy [mailto:Nancy.Alvarado@milwaukee.gov]  
Sent: Tuesday, April 12, 2011 10:28 AM  
To: Novak, George A  
Cc: Sanders, Jason  
Subject: 6214 S 3rd St.

George,

This is to confirm that yesterday, April 11, 2011, the City 8" sanitary sewer was clogged in the 6200 block of S 3rd St. After it was determined that the sewer was clogged, a Sewer Jet immediately opened the clog and restored it back to proper working order.

Today that sewer is being televised with a closed circuit camera.

Any questions, you can contact me at 414-286-2013.

Thank you,  
Nancy Alvarado  
Sewer Program Manager

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer)

2011 AUG -3 PM 3:30  
CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY



## AMERICAN FAMILY INSURANCE GROUP

SCANNING CENTER • 6000 AMERICAN PKWY • MADISON WI 53783-0001 • 1-800-MYAMFAM (1-800-692-6326)

April 12, 2011

83-GAN001  
MICHAEL J & SANDRA A WAGNER  
6214 S 3RD ST  
MILWAUKEE WI 53207-6260

RE: Our Claim Number: 00-831-101784-0638  
Our Policy Number: 48PJ1654-01  
Our Insured: Michael J & Wagn Wagner  
Date of Loss: April 11, 2011  
Our Company Name: American Family Mutual Insurance Company

Dear Michael J & Sandra A Wagner:

This letter will confirm our conversation regarding your claim. As we discussed, policy language excludes coverage for this loss. I have enclosed a copy of the applicable policy language.

I am sorry that we could not have been more helpful. If you have any questions, please contact me at telephone number 1-414-801-2434.

Sincerely,

George A Novak  
Property Clm Field Senior Adjuster  
American Family Mutual Insurance Company  
1-800-MYAMFAM (1-800-692-6326) X 21756  
gnovak@amfam.com  
Fax: (186) 649-4513 Ext: 8  
www.amfam.com/claims

Enc:

Fully Insured



# FELTNER'S

Sewer & Drain Service

We'll fix your throne... so you're good to go!

**1-866-FELTNER**

P.O. Box 257 • Trevor, WI 53179

24 Hour Emergency Service • 7 Days a Week

Racine 262-554-5002

Kenosha 262-654-7776

Western Counties 262-862-6887

Milwaukee 414-771-7111

Toll Free 1-866-FELTNER

[www.Draintroubles.com](http://www.Draintroubles.com)

Family Owned  
& Operated

JOB NO.		
INVOICE	PHONE 762-0355	DATE 4-12-11
NAME Sandra or Michael Wagner		
ADDRESS 6214 S 3rd		
CITY Milwaukee	STATE WI	ZIP CODE 53207

CASH	CHECK # 5927	BILLING	OTHER
DESCRIPTION			AMOUNT
<del>Drain service</del>			
<p><del>Arrived on 4-11-11 basement was flooded due to city main back-up. Came back on 4-12-11 to power rod the main sewer and remove debris from house lateral.</del></p>			
paid in full			
			Deposit
			Balance
<p>IN THE UNLIKELY EVENT THAT FELTNER'S SEWER &amp; DRAIN SERVICE MUST RE-ROD A LINE UNDER WARRANTY, BE ADVISED OF A \$25.00 TRIP CHARGE.</p>			TOTAL 195.00

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined.

AUTHORIZED SIGNATURE: Marco S, Gary #9

DATE: 4-12-11

CUSTOMER SIGNATURE: Michael Wagner



# Walmart

Save money. Live better.

MANAGER JEFF DAVIS  
( 414 ) 761 - 9560

ST# 1551	OP# 00004859	TE# 25	TR# 00176
LATCH TOTE	007314994510		12.97 X
LATCH TOTE	007314994510		12.97 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
18G TOTE	007352703768		5.47 X
	SUBTOTAL		69.70
TAX 1	5.600 %		3.90
	TOTAL		73.60
	VISA TEND		73.60

ACCOUNT # 9971  
 APPROVAL # 093417  
 TRANS ID - 0001106524574455  
 VALIDATION - N46Z  
 PAYMENT SERVICE - E  
 CHANGE DUE 0.00

# ITEMS SOLD 10

TC# 4426 5235 5395 5364 6576



We gladly accept valid  
 manufacturer & internet coupons.  
 04/16/11 09:34:26

\*\*\*CUSTOMER COPY\*\*\*

*STORAGE TOTES*  
*WALMART TOTES - 73.60*  
*MENARDS TOTES - 21.84*  


---

*95.44*

Cleaning + Storage  
Supplies  
from 4-11-11 Backup

Use Your  2%  
BIG CARD REBATE  
**MENARDS**

MENARDS - OAK CREEK  
6800 SOUTH 27TH ST.  
OAK CREEK, WI 53154

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for  
items on this receipt will be in the form  
of an in store credit voucher if the  
return is done after 07/15/11



Sale Transaction

2X4X6' SPF CONSTRUCT	
1021075 4 @1.49	5.96
PVA SPONGE MOP REPL	
6462004	2.99
LYSOL ALL PURPOSE CL	
6471963 2 @2.42	4.84
TOTAL	13.79
TAX AT 5.6%	0.77
TOTAL SALE	14.56
VISA 9971	14.56
000651	

TOTAL NUMBER OF ITEMS = 7

GUEST COPY

The Cardholder acknowledges receipt of  
goods/services in the total amount shown  
hereon and agrees to pay the card issuer  
according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP  
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU, YOUR CASHIER, Matt

11003 05 0057 04/16/11 10:06AM 3032

TOTAL MENARDS  
\$14.56 4-16-11  
\$62.18 4-12-11  
\$53.44 4-12-11  
\$130.18 TOTAL

Use Your  2%  
BIG CARD REBATE  
**MENARDS**

Use Your  2%  
BIG CARD REBATE  
**MENARDS**

MENARDS - OAK CREEK  
6800 SOUTH 27TH ST.  
OAK CREEK, WI 53154

MENARDS - OAK CREEK  
6800 SOUTH 27TH ST.  
OAK CREEK, WI 53154

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY PRODUCT TYPE

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Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 07/11/11

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 07/11/11



Sale Transaction

Sale Transaction

LOOR SCRUB	
489799	8.79
X4X6' SPF CONSTRUCT	
021075 4 @1.49	5.96
VA SPONGE MOP REPL	
482004 2 @2.99	5.98
2 OZ DAMP RID REFIL	
472261	3.88
EFINISHING GLOVES 1	
613489	1.99
PK LATEX GLOVES SM	
603913 4 @0.99	3.96
0.5 OZ DAMP RID	
472260 2 @2.53	5.06
0" BOX FAN	
211117	14.99
<hr/>	
TOTAL	50.61
TAX AT 5.6%	2.83
TOTAL SALE	53.44
ISA 9971	53.44
45811	

20 GAL TOTE W/ LID	
8452275 4 @5.48	21.84
<hr/>	
CLOROX BLEACH 96 OZ *	
8471111 6 @1.49	8.94
19 QT DOUBLE PAIL	
6483236	12.97
LYSOL ALL PURPOSE CL	
6471963 2 @2.42	4.84
PVA SPONGE MOP	
8481995 2 @7.99	15.98
20" BOX FAN	
6211117	14.99
<hr/>	
TOTAL	99.56
TAX AT 5.6%	4.46
TOTAL SALE	84.02
VISA 9971	84.02
074038	
<hr/>	
TOTAL SAVINGS 2.00	
<hr/>	
TOTAL NUMBER OF ITEMS = 16	

*On Cashier's Receipt*

**62.18**

01A1 NUMBER OF ITEMS = 16

GUEST COPY

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP  
PLEASE RETAIN FOR YOUR RECORDS.

THIS IS YOUR CREDIT CARD SALES SLIP  
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU, YOUR CASHIER, LISA

THANK YOU, YOUR CASHIER, Brenda

9480 04 6729 04/12/11 02:58PM 3032

34506 05 8130 04/12/11 07:40AM 3032



# Estimate

4820 W. Loomis Road  
 Greenfield, WI 53220  
 Phone 414-744-9400  
 Fax 414-744-9237

Date	Estimate #
6/13/2011	R4441

<b>Name / Address</b>	
Michael Wagner 6214 S 3rd Street Milwaukee, WI 53207	
<b>Email address</b>	mswags02@aol.com

<b>Job Location</b>

Contact	Contact #	Hear about us?	Cell #	Salesperson
	840-6746			DL

Description
<p><b>Basement for carpet replacement</b></p> <p>Stu's - Reaction 26 color #745 12 x 49            Glue Direct Carpet Labor            Carpet Adhesive</p> <p>TOTAL.....\$1,892.00</p> <p>Carpet is replacing the same carpet style and color as previous            Previous carpet has been removed - Owners will move most furniture</p>

NOTE: Room Temperature must be at least 68 degrees for 48 hours prior to installation.	<b>Total</b>	<b>\$1,892.00</b>
Customers Signature	Down Payment	
Authorized Signature	Balance Due	



- 8643 N. PT. WASHINGTON RD. • FOX POINT, WI 53217 (414) 352-5212
- 7828 W. LAYTON AVE. • GREENFIELD, WI 53220 (414) 281-6600
- 19655 W. BLUEMOUND RD. • BROOKFIELD, WI 53045 (262) 782-4500
- CORPORATE OFFICE • MILWAUKEE, WI 53218 (414) 358-1925

DATE: 9-22-11 SALES ORDER NO. 1147

• CARPETS • RUGS • VINYL • HARDWOOD • LAMINATE • CERAMIC

LAST NAME: Wagner FIRST NAME: Michelle

STREET ADDRESS: 16814 S. B. APT. # \_\_\_\_\_ SPOUSE \_\_\_\_\_

CITY: MILWAUKEE STATE: WI ZIP: 53207

DELIVERY INSTRUCTIONS: TAKE UP YES NO \_\_\_\_\_ JUTE BACK RUBBER BACK \_\_\_\_\_

CELL: \_\_\_\_\_ BUSINESS PHONE  MR.  MRS. \_\_\_\_\_

EMAIL: \_\_\_\_\_ HOME PHONE: 262-6746 ACCT. # \_\_\_\_\_

Finance Terms: Net 30 (Amounts available to qualified buyers at promotional times only) CO. \_\_\_\_\_

Salesperson #1: 1147 Salesperson #2: \_\_\_\_\_

Special Order  Stock Roll # \_\_\_\_\_

SO. YDS./S.F.	AREA COVERED	STYLE-COLOR	PDQ/L	PRCSG. YD/S.F.	AMOUNT
		<u>Planks - Concrete - install in Reception glue down direct on concrete.</u>			<u>1890.00</u>

**TERMS:** PAYABLE IN FULL UPON COMPLETION UNLESS SPECIFICALLY STATED OTHERWISE

**TO SCHEDULE INSTALLATIONS OR TO CHECK ON YOUR ORDER PLEASE CALL KERNS CARPETS WAREHOUSE: 414-831-0002**

NOTICE TO PURCHASER

- DO NOT SIGN THIS BEFORE YOU READ THE WRITING ON THE REVERSE SIDE, EVEN IF OTHERWISE ADVISED.
- DO NOT SIGN THIS IF IT CONTAINS ANY BLANK SPACES.
- YOU ARE ENTITLED TO AN EXACT COPY OF ANY AGREEMENT YOU SIGN.
- YOU HAVE THE RIGHT AT ANY TIME TO PAY IN ADVANCE THE UNPAID BALANCE DUE UNDER THIS AGREEMENT.
- CARPETS ARE NOT GUARANTEED AGAINST CRUSHING, FADING, MATTING AND CLEANING UNLESS OTHERWISE STATED.
- CARPETS & VINYL BASED ON STANDARD WIDTHS OF 6, 12, 13', 13', AND 15 ft.

CUSTOMER'S SIGNATURE

CASH ON COMPLETION		INSTALLER COLLECTS	
TOTAL	<u>1890.00</u>		
SALES TAX	<u>—</u>		
SUB TOTAL	<u>1890.00</u>	DEPOSIT 50% IS REQUIRED	<u>—</u>
BALANCE	<u>1890.00</u>		

CUSTOMER

See  
Back  
Sub-woofer

