

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

November 5, 2010

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

Re: Resolution Relating to the Claim of Linda Charles
C.I. File No. 10-S-177

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, Linda Charles, 4724 North 19th Street, Milwaukee, WI 53209, alleges that she suffered a sewer back-up on/about December 14, 2009 at her home due to a sewer blockage. She claims damages in the amount of \$5,134.27.

Our investigation reveals that the Sewer Maintenance Section (SMS) responded to a backwater call on December 30, 2009 at this location. The City sewer main was found to be in proper working order and the homeowner was advised to hire a plumber. The SMS records also noted the catch basin closest to the claimant's home was cleaned on that date at the claimant's request. This action had no relation to the water in the basement. The SMS was called back to the home on February 15, 2010 regarding a backwater. They again found the sewer main was in proper working order. The claimant was also told again to contact a plumber. The Milwaukee Water Works (MWW) was also contacted due to water entering the basement. The SMS noted the sewer is on a regular cleaning schedule and it was last cleaned in November, 2009.

The MWW also reviewed their records relative to this incident. The MWW responded to the claimant's home on February 15, 2010. The responding

To the Honorable Common Council
Of the City of Milwaukee
November 5, 2010
Page 2

personnel found no one home and no evidence of standing water or flooding was observed. The MWW was called back to the property on February 18, 2010 and turned the water service off. The claimant called again on February 19, 2010 regarding running water. The responding investigator found that the water was still completely off and the curb stop was in the off position. The MWW went back to the property on May 21, 2010 to check the water status and found it to be on. The MWW investigator attempted to gain entry to the property to check the water meter status, but the property owner would not grant permission. She noted the water was definitely on. The MWW also reviewed the claimant's allegation regarding a tool that was dropped on her sewer service by MWW personnel on February 18, 2010. The MWW would not have made any contact with the sewer service to perform the water shut-off. The City departments followed standard procedures in this matter and there is no evidence they were negligent, as such, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2010-1772:163027