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May 14, 2009

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

Re: Resolution relating to the claim of Robert & Shelley Morgan  
Through West Bend Mutual Insurance Company Rep. Karen Kolarik  
C.I. File No: 09-L-12

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.

Claimants, Robert and Shelley Morgan, W223 N7637 Cherry Hill Road, Sussex, WI 53089 allege through West Bend Mutual Insurance Company, by its representative Karen Kolarik, 1900 South 18<sup>th</sup> Avenue, West Bend, WI 53095 as subrogee that on January 5, 2009 the traffic signal lights at the intersection of North Hopkins Street and West Villard Avenue were not working and that snow banks made temporary stop signs less noticeable causing their insured's' vehicle to collide with another vehicle. They claim damages in the amount of \$18,053.03.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on January 5, 2009 the control cabinet for the intersection of North Hopkins Street and West Villard Avenue, which had been damaged in a previous accident, was in the process of being replaced. As such, all of the traffic signal lights were not working. The ISD placed stop signs at all 4 corners. The signs were above the height of the vehicles. There were just small amounts of snow on the ground. The City followed standard

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procedures in this matter. There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2009-360:143854