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November 29, 2022

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

Re: Communication from Daniel and Sarah Wilfrath
C.I. File No. 1029-2022-771

Dear Sir or Madam:

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

Claimants allege that damage to their sewer lateral was caused by pressure from water that was leaking from a broken water service lateral in the area of their damaged sewer lateral. The subject sewer lateral was found to be leaking on January 19, 2021, and again on April 4, 2022. They further allege that the subject water service leak may have resulted from construction activity in the area in 2019.

On January 19, 2021, as part of their investigation of backwater complaints at 432 South 91st Street, Sewer Maintenance televised the 8” sanitary sewer lateral that serves 432 South 91st Street and discovered a broken building lateral. Claimants were immediately notified of their responsibility for repairs to the broken building lateral.

An investigation into this matter by Milwaukee Water Works(MWW) revealed that on April 20, 2022, the MWW began work for the city’s lead service replacement program at 432 South 91st Street. During the course of their work, the crew discovered a leak in the water service lateral. Because the water service leak was not proximal to claimant’s sewer lateral damage, it is MWW’s opinion that the water leak was not likely to have caused the sewer damage.




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Lastly, Department of Public Works(DPW) Construction section reviewed their records relative to this claim and found there was a 2019 roadway contract to replace the surface of the road on the entire block and some concrete sidewalk near this address. The existing curb and gutter at this address was left in place and the driveway to the property was overlaid with asphalt. It is Construction's view that this roadway surface work and sidewalk replacement would have no impact to a sewer lateral that is 13 feet below the surface.

It is our position that the City has no negligence in this matter, and cannot accept liability for the damages in this case. Therefore, we recommend that the claim submitted by Daniel and Sarah Wilfrath in the amount of \$12,500.00 be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



S. TODD FARRIS
Deputy City Attorney

STF/PK/cdr

Enclosures