

# CITY OF MILWAUKEE

Form CA-43

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February 27, 2006

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

Re: Communication from William and Patrick Bigalke  
C.I. File No. 06-L-4

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, William and Patrick Bigalke, Owners of Begalke's Sports Bar & Grill, 3300 South 27<sup>th</sup> Street, Milwaukee, WI 53215 allege that they sustained damage to their property on November 5, 2005 when water backed up in the basement of their tavern. They claim damages in the amount of \$11,144.39.

Our investigation reveals that the Infrastructure Services Division-Underground Operations (ISD) investigated a backwater complaint at this address on November 8, 2005. They found the City main sanitary sewer was clogged and causing the backwater into the claimants' basement. Contrary to the claimants' assertion, the sewer investigators on scene made no admission with regard to the City's negligence.

The main was opened with a jet and restored to proper working order. The sewer in question was on a regular cleaning schedule and was last cleaned just 20 months earlier, on March 25, 2004. The ISD followed normal procedures and the sewer in question was on a 3 year cleaning schedule.

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The ISD has concluded that the discharge of grease from area establishments has contributed to grease build-up in the main. Plumbing Inspection has been notified and requested to assist in the elimination of the grease discharge into the sanitary sewer system. In the meantime, in order to avoid future problems, the sewer has been placed on a six month special cleaning program.

Because the sewer was on a regular cleaning schedule and the City had no prior notice of this problem with the sewer, the City cannot accept liability. Therefore, we recommend denial of this claim.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
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