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June 1, 2023

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

RE: Communications from JUSTIN and TIERRA NEMITZ  
C.I. File No. 1029-2023-506

Dear Sir or Madam:

Justin and Tierra Nemitz allege they sustained flooding damages at their property at 4103 North 67<sup>th</sup> Street as a result of a water main break that occurred on December 23, 2022. They are claiming they sustained damages in the amount of \$18,000.00. Allstate Insurance has paid claimants \$5,000.00 for this loss, and Justin and Tierra Nemitz are seeking \$13,000.00 from the City of Milwaukee.

We have completed an investigation into this matter with both Milwaukee Water Works and Infrastructure Services Division - Sewer Maintenance. Our investigation reveals that on December 23, 2022, Milwaukee Water Works (MWW) responded to a main break located in the intersection of N. 67th Street and W. Fiebrantz Avenue. MWW reported the 8" water main sustained approximately 10' of damage that resulted in an extraordinary amount of water free flowing onto the street and the sewer main.

MWW crew throttled the 8" main and placed it out of service by 9:19pm. MWW contracted Mid-City Corporation to complete repairs and the main was placed back in service. MWW further evaluated data prior to the December 23, 2022 water main break, and that evaluation included tracking the frequency of breaks, and the data did not support replacement of this segment of the water main.

Further investigation revealed that Sewer Maintenance responded to two calls regarding a water main break in the vicinity at N. 67th Street and W. Fiebrantz Avenue that also caused damage to the sanitary sewer manhole and 8" sanitary sewer



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main in that area. The first call reported surface flooding at 4063 N. 67th Street and the second call reported backwater at 4103 N. 67th Street. There was no other sewer work at or near this location.

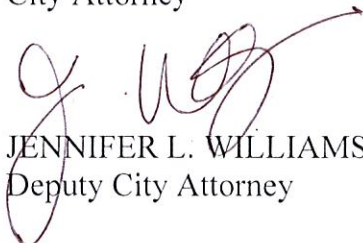
On December 24, 2022, Sewer Maintenance conducted cleaning and repairs to the City sewer main and the main was returned to proper functioning order.

It is our view that the City is not liable for damages in this case. Both Milwaukee Water Works and Infrastructure Sewer Maintenance responded to calls in the area and made repairs in a timely manner. As such, we recommend that this claim in the amount of \$13,000.00 be denied.

Very truly yours,



TEARMAN SPENCER  
City Attorney



JENNIFER L. WILLIAMS  
Deputy City Attorney

TS/JLW/PK/cdr

Enclosure