

RECEIVED
OFFICE OF CITY ATTORNEY

C. I. File No. 1029-2018-684

JUN 4 - 2018

Richard and Dawn Nieth

12:45 A.M./P.M.

To whom it may concern.

I am requesting a hearing date to appeal the decision the city has made as to not cover the damages to our property caused by rodents due to replacing the sewer systems next to our home.

I am unable to enclose a copy of the postmarked envelope due to it being water damaged when the mail was delivered, however I am enclosing the initial letter received dated May 14th.

Thank you,

Dawn Nieth

CITY OF MILWAUKEE
2018 JUN - 1 P 3:25
CITY CLERK'S OFFICE

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys

**CITY OF
MILWAUKEE**
Office of the City Attorney

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA FRACZEK
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRESELL
ROSE SIMON-SILVA
JULIE P. WILSON
Assistant City Attorneys

May 14, 2018

Richard and Dawn Nieth
2657 S. 63rd Street
Milwaukee, WI 53219

RE: C.I. File No. 1029-2018-684
Communication from Richard and Dawn Nieth

Dear Mr. and Mrs. Nieth:

We are in receipt of your claim for damages in the amount of \$3,640.00 for damages to your personal property caused by rodents. You claim that the infestation is a direct result of sewer work done in your neighborhood.

The Sewer Maintenance Section and the Department of Neighborhood Services conducted and completed their investigation into this matter. On July 13, 2017, Sewer Maintenance Section replaced a catch basin in the alley next to your home, 2657 South 63rd Street.

Sewer Maintenance's investigation concluded that repairing and/or replacing catch basins would not lead to a rodent infestation. The Department of Neighborhood Services investigation was unable to identify where the rodents were coming from.


In that there is a lack of evidence in connecting the rodent infestation to the sewer work done in your neighborhood during July 2017, the City cannot accept liability for the damages to your property related to rodent infestation. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

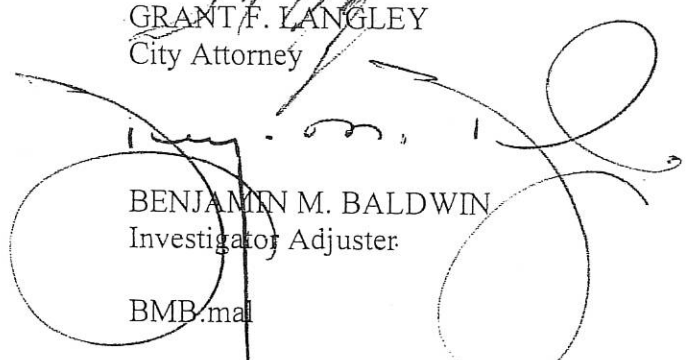


Richard and Dawn Nieth
May 14, 2018
Page 2

Very truly yours,



GRANT F. LANGLEY
City Attorney



BENJAMIN M. BALDWIN
Investigator Adjuster

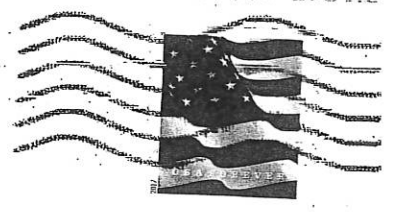
BMB:mal

c: Robert Brooks (Sewer Maintenance)
Ann Peterson (Department of Neighborhood Services)

1029-2018-684:249317

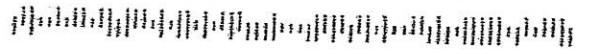
Richard & Dawn Nieth
2657 S. 63rd Street
Milwaukee, WI 53219

MILWAUKEE WI 530
30 MAY 2018 PM 1 L



Milwaukee City Clerk
200 East Wells St
Room 205
Milwaukee WI 53202

53202-357099



RECEIVED
OFFICE OF CITY ATTORNEY

JUN 4 - 2018

12:45 A.M./P.M.

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys

CITY OF
MILWAUKEE
Office of the City Attorney

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA FRACZEK
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRENNELL
ROSE SIMON-SILVA
JULIE P. WILSON
Assistant City Attorneys

May 14, 2018

Richard and Dawn Nieth
2657 S. 63rd Street
Milwaukee, WI 53219

Mailed
5-14-18

RE: C.I. File No. 1029-2018-684
Communication from Richard and Dawn Nieth

Dear Mr. and Mrs. Nieth:

We are in receipt of your claim for damages in the amount of \$3,640.00 for damages to your personal property caused by rodents. You claim that the infestation is a direct result of sewer work done in your neighborhood.

The Sewer Maintenance Section and the Department of Neighborhood Services conducted and completed their investigation into this matter. On July 13, 2017, Sewer Maintenance Section replaced a catch basin in the alley next to your home, 2657 South 63rd Street.

Sewer Maintenance's investigation concluded that repairing and/or replacing catch basins would not lead to a rodent infestation. The Department of Neighborhood Services investigation was unable to identify where the rodents were coming from.

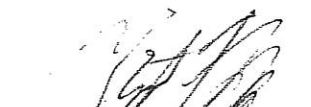
In that there is a lack of evidence in connecting the rodent infestation to the sewer work done in your neighborhood during July 2017, the City cannot accept liability for the damages to your property related to rodent infestation. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

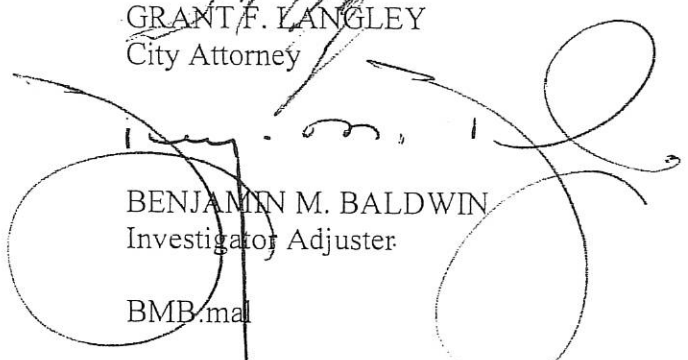


Richard and Dawn Nieth
May 14, 2018
Page 2

Very truly yours,



GRANT F. LANGLEY
City Attorney



BENJAMIN M. BALDWIN
Investigator Adjuster

BMB.mal

c: Robert Brooks (Sewer Maintenance)
Ann Peterson (Department of Neighborhood Services)

1029-2018-684:249317

To whom it may concern: My name is Dawn Nieth and I currently reside at 2657 South 63rd Street Milwaukee WI 53219. I have an email address of dawnrnieth@gmail.com and a contact phone number of 414 328 3626.

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 22 2018

In January of this year (2018) my husband Richard Nieth and I noticed some scratching noises coming from the ceiling walls of our basement and under the sink/dishwasher in our kitchen. As the days went on it became louder and sounded like something was running to and from in the ceiling.

3:42 A.M./P.M.

On January 15, 2018 my husband called Skedaddle Humane Wildlife Control as this issue was getting worse and thought there were possible rodents in the ceiling. Marcus from Skedaddle came out to assess the home and area. His conclusion resulted in telling us a mouse had crewed through a hose that he found located by our central air conditioner. Marcus installed a one way trap door on the outside of the unit and billed us \$ 345.00. He said this should take care of the problem and would be back in a month to check in with us and then left.

As the days continued the scratching noises became louder in the ceiling. On Sunday February 18, 2018 at approximately 0430 am my husband woke to noises in our kitchen. There was water pouring from underneath our dishwasher resulting in flooding underneath our stove and refrigerator. Rich went in the basement and the water was also pouring down from the ceiling. This resulted in the loss of our dryer, phone, iron, rugs and several Christmas decorations, pictures and mementos. Not to mention the massive cleanup that we had to do.

Rich looked under the sink and found the hose to the dishwasher had been chewed through by a rodent.

On Monday February 19, 2018 Rich called Marcus at Skedaddle to come back to our home to access the ongoing issue as it had gotten worse. Marcus did come back and said he could install more traps for mice at a price of \$1350. To me this was absurd!

This has been emotionally exhausting as this scratching and running noises continued. I looked for another company to assess our issue as I wasn't pleased with the service or lack of that Skedaddle provided.

CITY OF MILWAUKEE
2018 MAR 22 5 2:07
CITY CLERK'S OFFICE

MAR 22 2018

On Thursday March 1, 2018 Rich contacted a company called APest2Go. The woman said she would be out that day to assess. Chanel from the company came to the house. We explained the issues that we were having along with the service provided by Skedaddle. Chanel did a walkthrough of the outside of our house and immediately found large burrowing hole by the back of the house by the central air conditioner unit.

Chanel immediately said these weren't mice, they were rats. I was devastated, as I keep a spotless house and have lived at this residence since May of 1995 and NEVER have dealt with any rodents what so ever. Chanel went on to say that the south side of Milwaukee has been dealing with a rat epidemic. This was due to the sewer installs that were occurring. Rich told Chanel that last fall the city came out and installed a new sewer system right next to our house. We live right next to the alley. Chanel confirmed that the rats found somewhere else to go which resulted in the burrowing and noises in our house. We showed her the hose to the dishwasher and she confirmed this was chewed up by a rat.

Chanel explained the approach she would take to get rid of the rodents as well has repairs that would have to be made due to the burrowing and holes in our floor/ceiling. She is extremely knowledgeable to the issue as her company has been in existence for 40 years .We agreed to have her complete the work. She billed us \$ 295.00. Chanel said this could take up to 5 weeks for these rodents to die/leave our premises. Chanel came back three times a week for the first two weeks and twice a week for the remaining weeks. She also called to check on the issue. She laid down bait by the burrowing holes, which was done the following days.

We followed through in contacting Hanks Restoration for the needed repairs to the house. This was on March 8, 2018. We explained the issues and the steps we had taken so far. Hank said he wanted to make sure that the rodents were eradicated before he began his work as he didn't want to trap them in the ceiling.

Hank said he would contact Chanel and work with her also. Hank also said that he has done work on several houses in the area due to the rat epidemic in this area due to the installation of the new sewers.

As the days went on the scratching noises ceased. Chanel was pleased with these results. Hank did an assessment of the inside and outside of the house. He said he could definitely complete the work needed to seal the home to prevent any future rodent entry. We also have had water leakage in the corner of our basement which he said he would install a French drain. We agreed to this.

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 22 2018

Hank gave us a total bill of \$ 5050.00, the breakdown for the rodent repair is \$ 3,420.00 (A.M.P.M.)
3000.00 for the seal of the house. The work began on March 10, 2018.

Having never had any issues with rodents in the 23 years that we have lived here I contacted Alderman Mark Borkowski's office to see what could be done as far as reimbursement for the money that we have spent for this devastating issue.

I spoke with Sherry Prochaska on March 5, 2018 and explained the issues going on at my residence. Sherry was extremely polite and empathetic. She said for the past 3 years Milwaukee has been dealing with a rat epidemic due to the sewer installs. She even said that Aldermen have gone to New York to see how they deal with the issue there.

Sherry sent me the instructions on how to file a claim with the city for possible reimbursement as I had told her I never have dealt with an issue like this and I keep my home very clean.

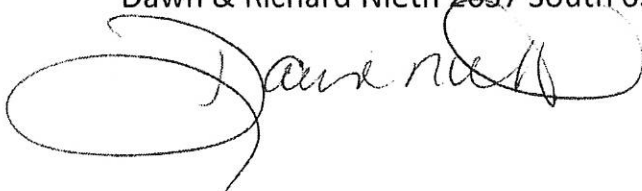
This has taken a financial and emotional toll on me, my husband and family.

I am asking for reimbursement for a total of \$ 3640.00 for the repairs that I otherwise wouldn't have needed due to the sewer rodent issues that were caused by the city of Milwaukee when the rodents moved onto our property.

Please see the enclosed contracts with the monies paid out.

Thank you for your time I look forward to hearing from you .

Dawn & Richard Nieth 2657 South 63rd Street Milwaukee WI 53219. 414-248-4218



A Pest 2 GO

PEST MGT SERVICES & SUPPLIES LLC

RECEIPT / PROPOSAL

8001 W. LINCOLN AVE • WEST ALLIS, WI 53219 • APEST2GO@YAHOO.COM
414-334-7588

DATE: 3/1/18 Richard Dieth RESIDENTIAL COMMERCIAL
NAME: _____

SERVICE ADDRESS: 2657 S 63rd St PHONE: 248 4218

START TIME: 5:25p FINISH TIME: _____ ACCT TYPE: 1-TIME MONTHLY WEEKLY

TARGET PEST: ROACHES BED BUGS ANTS MICE RATS OTHERS: _____

APPLICATION TYPE SOFT

CRACK & CREVICE BARRIER SPOT GENERAL DUST BAIT SEAL INSPECTION

COMPLEX: SINGLE-FAMILY DUPLEX APT. UNIT GROCERY OTHER: _____

AREAS TREATED: BEDROOM KITCHEN LIVING ROOM BATHROOM HALLWAY BASEBOARDS
 LINING OF MATTRESSES UNDER BOX SPRING DROP CEILING FRAME OF BED FURNITURE
 DRESSERS & DRAWERS DOOR FRAMES CEILING MOLDING BLINDS OTHERS: _____

PRODUCTS UTILIZED

PRODUCTS USED:	EPA#	CONCENTRATION	QUANTITY:
<input type="checkbox"/> ZENPROX EC	2724-804	16.2%	_____
<input type="checkbox"/> GENTROL I.R.G.	2724-351	9.0%	_____
<input type="checkbox"/> EXCITER	655-798	0.60%	_____
<input type="checkbox"/> CONTRAC BLOX	12455-79	0.005%	_____
<input type="checkbox"/> TEMPRID S.C	432-1483	21%	_____
<input type="checkbox"/> TERMIDOR S.C TERMICIDE	7969-210	9.1%	_____
<input type="checkbox"/> VENDETTA PLUS	1021-2593	.05%	_____
<input type="checkbox"/> ADVION ANT GEL	100-1498	.05%	_____
<input type="checkbox"/> CIMEXA INSECTICIDE DUST	73079-12	92.1%	_____
<input type="checkbox"/> DELTA DUST	432-772	0.05%	_____
<input type="checkbox"/> TEMPO DUST	432-1373	1%	_____
<input type="checkbox"/> SUSPEND POLYZONE	432-1514	4.75%	_____
<input type="checkbox"/> PHANTOM INSECTICIDE	241-392	21.45%	_____
<input type="checkbox"/> FAST CAP INSECTICIDE	1021-2574	6.40%	_____
<input type="checkbox"/> STRYKER INSECTICIDE	53883-308	6%	_____
<input type="checkbox"/> RESIDUAL FOGGER	279-3389	.050%	_____
<input type="checkbox"/> BEDLAM PLUS	1021-2569	.40%	_____
<input checked="" type="checkbox"/> <u>FIRST STRIKE</u>	<u>7173-258</u>	<u>.0025</u>	<u>1/19</u>
<input type="checkbox"/> <u>SOFT BAIT</u>			

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 22 2018

3:42 P.M.

SAFETY DATE SHEETS & LABELS AVAIL. UPON REQUEST

COMMENTS: Large Burrowing on back of house. Your
Service technician located the hole. One T-Box
snap placed in kitchen. Keep all food items off
counters and floors. Once problem has been eradicated
we highly recommend repairs being completed and repaired

SIGNATURE: _____ TOTAL DUE: \$ 295.00

RE-ENTER TIME: _____ WARRANTIES: 1 MONTH 2 MONTHS

CHANNEL F. • WI. LIC. #78558

I have been notified to call the office to schedule any follow up treatments within 30 days of my 1st treatment or treatment is voided out. For any cancellation appointments a 24 hour notice must be given or a \$50.00 fee will be assessed before any services will be rendered and no call no show appointments will not be rescheduled.



SKEDADDLE
HUMANE WILDLIFE CONTROL™

414-522-1999
skedaddlewildlife.com

INVOICE/QUOTE: 123925
WORK ORDER: 123925

Rat/Mice No.50011

Date Quoted: <u>1/15/18</u>	Inspector: <u>Marcus</u>
Date Serviced:	Technician:

BILL TO

JOB SITE

Customer: <u>Richard Nieth</u>	
Address: <u>2657 S. 63rd St. MKE</u>	<u>SAME</u>
Phone: <u>(414) 248-4218</u>	
Email:	

Rat/Mice	QUANTITY	SITUATION: <u>Living w. Basement cycling</u>	UNIT PRICE	TOTAL
Perform	<u>1</u>	Rat/Mice Exclusion Procedure(s)	<u>29.00</u>	<u>29.00</u>
Deodorize	<u>1</u>	Access and Den Site Area(s)	97.25	<u>97.25</u>
Screen	<u>1</u>	Entry Area(s)	95.00	<u>95.00</u>
Apply		Ft. of Skedaddle Exclusion Sealant	5.35	
Screen/Seal		Ft. of Siding Foundation Gap		
Screen/Seal	<u>1</u>	Utility Openings	<u>29.00</u>	<u>29.00</u>
Screen/Seal		Roof/Soffit Intersections		
Seal		Valley Top(s) and Bottom(s)		
Screen/Seal		Fascia Corner(s)		
Screen/Seal		Ft. of Garage Interior		
Screen/Seal		Chimney/Chimney Flashing		
Perform		Deck Removal/Re-Install		
Perform		Ft. of Trenching and Screening		
Screen		Problem Area(s)	70.00	
Screen		Roof Vent(s)	39.50	
Screen		Ft. of Ridge Vent	10.00	
Screen		Wall Vent(s)	29.50	
Install		Wall Vent Cover(s)	39.50	
Remove	<u>ALL</u>	One Way Door(s) and Final Inspection	95.00	<u>95.00</u>
Screen	<u>ALL</u>	Accessible Weep Vent(s)		
		Service Call/Inspection/Consultation/Property Assessment		

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 22 2018

3:42 A.M./P.M.

Lifetime guarantee on our workmanship and materials.

NOTES:

~~290.25
IF SCHEDULE THURSDAY?~~

SIGNATURE

DATE

Total	<u>345.00</u>
Amount Paid/Deposit	
Balance Due	<u>6298</u>
Visa <input type="checkbox"/> M/C <input type="checkbox"/> Check <input checked="" type="checkbox"/>	
Auth/Check #:	



SKEDADDLE
HUMANE WILDLIFE CONTROL™

414-522-1999
skedaddlewildlife.com

INVOICE/QUOTE:
WORK ORDER: 123925

No. 110029

Date Quoted: 1/15/18	Inspector: Marcus
Date Serviced:	Technician:

BILL TO

JOB SITE

Customer: Richard Nieth
Address: 2657 S. 63rd St. MKE
Phone: (414) 218-4218
Email:

SAME

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 22 2018

PROPERTY ASSESSMENT

GROUND

ROOF cont.

POINTS OF CONCERN	✓xN/A	NOTES	POINTS OF CONCERN	✓xN/A	NOTES	AM/PM
1. Porches /Additions/Decks/Sheds	X		27. Exposed Roofing Nails	✓		
2. Brick/Soffit Gaps	n/a		28. Install Roof Vents	n/a		
3. Weep Vents	n/a		29. Entry Areas	✓		
4. Window/Door Sealant	X		30. Problem Areas	✓		
5. Soffit Vents	✓		BUILDING INTERIOR & ATTIC			
6. Siding/Foundation Gaps	X		31. Attic Hatch Insulation/Barrier			
7. Wall Vents	X		32. Type of Insulation			
8. Foundation Vents	✓		33. Average R-Value			
9. Downspout/Soffit Intersections	✓		34. Contamination/Damage			
10. Utility Lines (Gas, Air, H ₂ O)	X	Entry	35. Vapor Barrier			
11. Garage Interiors	n/a		36. Chewed Wiring			
12. Entry Areas	X		37. Mold or Moisture			
13. Problem Areas	X		38. Soffit Blockers/Baffles			RECEIVED OFFICE OF CITY ATTORNEY
ROOF			39. Soffit Venting Clear			MAR 22 2018
14. Shingle Condition	✓		40. Cut Access Holes			
15. Roof/Soffit Intersections	n/a		INSECTS			
16. Ridge Vents	n/a		41. Bees/Wasps/Hornets			3:42 AM/PM
17. Roof Vents	X		42. Ants/Termites			
18. Plumbing Vents Systems	X		43. Spiders/Webs			
19. Roof Valley Tops/Bottoms	n/a		44. Earwigs/Sowbugs/Silverfish			
20. Roof/Fascia Gaps	X		45. Moths			
21. Gable Vents	✓		46. Flies			
22. Chimneys	✓		47. Beetles			
23. Chimney Flashings	✓		48. Cockroaches			
24. Power Stack Flashing/Soffit	n/a		49. Millipedes/Centipedes			
25. Feces Accumulation	n/a		50. Wood Rot/Insect Damage			
26. Gutter Clean	✓					

NOTES:

PA fee waived

- Attic to be assessed on date serviced
- Attic insulation and restoration are recommended

ASSESSMENT FEE	\$ 65.00
	\$
%	\$
Amount Paid	\$

Visa M/C Check Auth/Check #:

Franchises available

Hank's Restoration, Top to Bottom
5635 West Auer Milwaukee WI 53216
(414) 445-9866 OR 414 379 -1948

This Agreement made this day of 3/8 /2018 between Rich & Dawn Nieth & Henry Johnson /D.B.A
Hank's Restoration Top to Bottom
Work Site: 2657 S 63 ST.

We the contractor propose to furnish all materials and perform all labor necessary to complete the follow
RODENTS PROBLEM & FRENCH DRAIN SYSTEM
1. Dig front tile brick wall down to check foundation if rotten will install wire mesh. Tuck point all open holes
around lower house foundation. And add wire mesh before closing up holes. Install a French drain system for
water run off. Will move drain run off near french drain system.

INSTALL WIRE MESH IN ALL JOIST SPACE INSIDE HOUSE. ALSO HAVE TO INSPECT KITCHEN
DISWASHER AREA.

RECEIVED
OFFICE OF CITY ATTORNEY

AMOUNT DOWN \$2,525.00 CHECK #6314

MAR 22 2018

3:42 (A.M./P.M.)

Estimated date of commencement 3/10/18 and completion OPEN / WEATHER 20 18
FOR \$ 5,050.00

The terms of this contract shall be binding on the parties hereto, their, administrators,
representatives, successors, and assigns, This contract can be changed only by an agreement.
In writing signed by each party, the Owner and Contractor have signed this contract as for the date above.
\$5050.00 DOWN OF \$2,525.00 at the time completion \$ 2,525.00 will be due

OWNER: _____

CONTRACTOR: Henry Johnson DATE 3/9/2018