

City Clerk  
Attn: CLAIMS/APPEAL  
200 E Wells St, Room 205  
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE  
10 NOV 16 PM 1:26  
RONALD D. LEONHARDT  
CITY CLERK

November 16, 2010

Subject: Appeal of C.I. File No. 10-S-338  
Fallen Tree at 2654 N 49<sup>th</sup> Street, Milwaukee

My name is Daniel Sweeney. I own a rental property at 2654 N 49th St. On July 1, 2010 a tree located on the property of 2648 N 49th St fell on the power lines of my house and ripped out the two electrical meters and service line. The damage to the property was \$1013 for the electrical repair and \$625 for tree removal. Since my original letter sent two months ago, the City Attorney has denied my claim.

I am **appealing** the City's denial and request a hearing.


In a letter sent to me on October 27, 2010, the City Attorney stated: *"The tree failed again on July 1, 2010. The Division inspected the tree and found that the original bolt was still intact. Due to the recent damage, they tagged the tree for removal."*

The City also claims that the cabling and bolting of the tree is *"a long term solution recommended by the International Society of Arboriculture and the Wisconsin Arborist Association."*

I have proof that the bolting and cabling of the tree (as contracted out by the City of Milwaukee) did in fact fail, as I have a section of the tree with **another bolt and cable** attached to it, saved in my yard (the section of the tree that failed). The tree section I have has a long piece of wire attached to it and running around it, as well as a 2 foot long bolt that was in that specific section.

I can be reached via phone at (414) 390-1525 or via email, [daniel.p.sweeney@micorp.com](mailto:daniel.p.sweeney@micorp.com).

Thank you - - I look forward to your response,

  
Daniel Sweeney  
Owner 2654 N 49<sup>th</sup> St

City Clerk  
Attn: CLAIMS  
200 E Wells St, Room 205  
Milwaukee, WI 53202-3567

2010 SEP 30 PM 2:42  
OFFICE OF  
CITY ATTORNEY  
CITY OF MILWAUKEE  
RECEIVED

Subject: Fallen Tree at 2654 N 49<sup>th</sup> Street, Milwaukee

My name is Daniel Sweeney. I own the property at 2654 N 49th St. A tree located on the property of 2648 N 49th St fell on the power lines of the house and ripped out the two electrical meters and the service line. The damage to the property included \$1,013 for the electrical repair and \$625 for tree removal.

I spoke to the owner of 2648 N 49th St who told me that the City of Milwaukee owned the tree that caused the damage. I have since been told by the City's Forestry Department that the city does not own the tree.

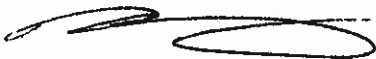
I was also told by the City's Forestry Department that the tree had been damaged two years ago and subsequently had been bolted and wired together as a **temporary** solution. This **temporary** solution failed and part of the tree fell on my property sometime over the weekend of July 4th. (I don't know if this will help, but the tree had been tagged with a steel washer with the number 730.)

I spoke to David Sivyer, Forestry Services Manager for the City, who stated the tree failure had nothing to do with the temporary bolting and wiring of the tree. My argument against this claim is a section of tree, which has been saved, has a huge piece of wire attached to it and running around it, as well as a two-foot long bolt that was in the section of the tree that fell. Both the tree section with attached wire, the two-foot long bolt and additional pictures can be provided as evidence, if needed.

I believe in paying taxes for the City Services that residents receive, but I also believe it is the City's duty to take responsibility for any negligence caused by its past actions. The City tried to remedy a damaged tree by bolting and wiring the tree together as a **temporary** solution, the **temporary** solution was past its prime, failed and caused damage to my property. I am asking the City of Milwaukee to reimburse me for \$1,638 the amount paid for new electrical service and tree removal.

I can be reached via phone at (414) 765-7505 or via email, [daniel.p.sweeney@micorp.com](mailto:daniel.p.sweeney@micorp.com).

Thank you,



Daniel Sweeney  
Owner 2654 N 49<sup>th</sup> St

9/27/10

10 SEP 29 AM 11:43  
RONALD D. LEONHARDT  
CITY CLERK  
CITY OF MILWAUKEE

RE: City owned tree damaged property  
Stanley, Keith  
to:  
daniel.p.sweeney  
07/14/2010 04:14 PM  
Cc:  
"Runner, Alex"  
Show Details

History: This message has been replied to.

Daniel,

Thanks for your patience. Here is the information I received from the call.

Record number 1686387 is a request for Forestry -Tree downThis request was entered into DPW's database by a citizen using the web form on 07-06-2010 09:31.This request was forwarded to the Forestry dept on 07-06-2010 12:09.This record was given to a Forestry crew on 07-07-2010 06:19.Forestry has marked this request as 'Completed' on 07-14-2010 13:42Field Comments: Private tree, property owners responsibility

If you feel this is inaccurate let me know.

Keith K. Stanley  
Legislative Assistant  
Common Council President Willie L. Hines, Jr.  
Alderman, 15th Aldermanic District  
200 East Wells Street, #205  
Milwaukee, WI 53202  
414-286-3965 phone  
414-286-3456 fax

---

**From:** daniel.p.sweeney@micorp.com [mailto:daniel.p.sweeney@micorp.com]  
**Sent:** Wednesday, July 14, 2010 4:00 PM  
**To:** Stanley, Kelth  
**Subject:** RE: City owned tree damaged property

Keith,

I have not heard from the Forestry department. I was told they would call two weeks ago, can you please follow up with them? Thank you!

---

**Daniel Sweeney** | Community Education Representative, CEPF, Officer  
T: 414.765.7505 | F: 414.765.7514 | E: daniel.p.sweeney@micorp.com

**M&I Community Education**



770 North Water St. 4<sup>th</sup> Floor  
Milwaukee, WI 53202  
www.milbank.com

"Stanley, Keith" <kstan1@milwaukee.gov>

To <daniel.p.sweeney@micorp.com>

cc

08/28/2010 04:27 PM

Subject RE: City owned tree damaged property

# K W K ELECTRIC INC.

RESIDENTIAL & COMMERCIAL ELECTRICAL SERVICES

P.O. BOX 12683

MILWAUKEE, WI 53212

BUSINESS OFFICE 414-374-2076 -- BUSINESS OFFICE FAX 414-374-8860

BILLING OFFICE 262-780-0783 -- BILLING OFFICE FAX 262-780-0782

KKMET@SBCGLOBAL.NET

JOB # 01323

## INVOICE

BILLING DATE 6/28/2010

REBILLED DATE \_\_\_\_\_

BILLED TO: DAN SWEENEY

SERVICE AT

2654 N 49TH ST.

6521 N. SUNNY POINT LN  
GLENDALE

WI 53217

ELECTRICAL CONTRACTING SERVICES PROVIDED:

PROCURE CITY OF MILWAUKEE ELECTRICAL PERMIT	
PREPARE ALL NECESSARY WE APPLICATIONS FOR REWIRE.	
INSTALL NEW 150 AMP SERVICE RISER.	
INSTALL NEW DUPLEX METER SOCKET.	
REPAIR PIPES GOING FROM METER SOCKET DOWN TO EACH CORRESPONDING BREAKER PANEL.	
TIE CONDUCTORS INTO EACH CORRESPONDING PANEL AND LABEL PANELS AND SOCKET ACCORDINGLY.	
ARRANGE SAME DAY SERVICE INSPECTION.	
PROVIDE SAME DAY SERVICE.	
	PERMIT \$97.00
	MATERIALS \$536.00
	LABOR \$480.00
<b>NOTE: WE WERE ABLE TO REUSE THE EXISTING PIPES GOING DOWN TO THE PANELS</b>	<b>-\$100.00</b>

**INVOICE TOTAL**

**\$1,013.00**

**PAYMENTS**

<b>\$1013.00</b>						
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**DATE / CK #**

<b>CC 6-29-10</b>						
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**REMAINING BALANCE DUE**

**\$0.00**

QUESTIONS REGARDING THIS INVOICE SHOULD BE CALLED INTO OUR BILLING OFFICE AT 262-780-0783

PLEASE MARK THE JOB # ON YOUR PAYMENT CHECK!

\*PAYMENT DUE WITHIN 10 DAYS, UNLESS OTHERWISE ARRANGED.

\*\*INTEREST CHARGES, OF 1.5% MONTHLY, APPLY TO UNPAID BALANCE PAST 30 DAYS.

\*\*\*UNPAID BALANCE SUBJECT TO WISCONSIN LIEN LAW.

01323

100 E. MAIN ST  
MILWAUKEE, WI 53212  
414-274-2426

Merchant ID: 000000015  
Term ID: 00000000000000000000

Sale

XXXXXXXXXXXX0103

VISA

Entry Method: Manual

Total: \$ 1,213.00

06/23/13 05:15:29

Inv #: 000004 Auth Code: 001525

Approved: Online

MIS Code: ZIP MATCH 2

Customer Code  
710000000

Thank you For  
Your Payment.

RECEIPT

DATE	JUNE 28, 2010	No.	140233
RECEIVED FROM	DANZEL SWEENEY		\$ 625. <sup>00</sup>
SIX HUNDRED TWENTY FIVE			DOLLARS
<input type="radio"/> FOR RENT			
<input checked="" type="radio"/> FOR	TREE REMOVAL		
ACCOUNT		<input checked="" type="radio"/> CASH	FROM _____ TO _____
PAYMENT		<input type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	BY ACKER TREE SPECIALIST

1182

DATE JUNE 28, 2010 No. 140233  
 RECEIVED FROM DANIEL SWEENEY \$ 625.00  
 FOR SIX HUNDRED TWENTY FIVE DOLLARS  
TREE REMOVAL  
 FOR RENT  
 ACCOUNT  CASH FROM \_\_\_\_\_ TO \_\_\_\_\_  
 PAYMENT  CHECK  
 BAL DUE  MONEY ORDER BY ASKEE TREE SPECIALIST LLC







FW: Investigation  
Sivyer, David  
to:  
daniel.p.sweeney  
09/16/2010 11:52 AM  
Show Details

Dan,

This is the information I have on the subject tree.

David B. Sivyer  
Forestry Services Manager  
City of Milwaukee  
841 N Broadway, Room 619  
Milwaukee, WI 53202  
(414) 286-3729  
(414) 286-8097 FAX  
[david.sivyer@milwaukee.gov](mailto:david.sivyer@milwaukee.gov)

---

**From:** Sivyer, David  
**Sent:** Friday, July 30, 2010 10:42 AM  
**To:** Stanley, Keith  
**Subject:** FW: Investigation

Keith,

This is a privately owned tree that we had to take code enforcement action on in 2007 to resolve a hazardous condition and the tree failed again recently, unrelated to the previous repair made by a private tree company, but to the point where removal of the tree is now necessary.

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[david.sivyer@milwaukee.gov](mailto:david.sivyer@milwaukee.gov)

---

**From:** Krouse, Randy  
**Sent:** Friday, July 30, 2010 10:26 AM  
**To:** Sivyer, David; Boeder, Jeffrey  
**Cc:** Brown, Ian; Walfoort, John  
**Subject:** RE: Investigation

Here is the deal on this tree:

This tree was tagged by Jack Walfoort in 2007 because of a split between two main stems. The tree was eventually cabled and bolted by a contractor to remediate the problem. On 7/7/2010 Forestry was called to investigate a tree down at 2654 N. 49th St. and found a branch from a private tree which split and fell into a neighboring property. The split originated from a different crotch than the one that was bolted. Jack tagged the tree for removal today(7/30/2010). This is a private tree at 2648 N. 49th St. and damages to the property at 2654 N. 49th St. should not be incurred by the City. I included pictures taken today plus the original assessments from 2007.

Thanks  
Randy

Randy Krouse  
Urban Forestry District Manager  
City of Milwaukee - Forestry Section  
6732 N. Industrial Rd.  
Milwaukee, WI 53223  
Phone: 414-286-8499  
FAX: 414-286-2011

---

**From:** Sivy, David  
**Sent:** Thu 7/29/2010 3:03 PM  
**To:** Krouse, Randy; Boeder, Jeffrey  
**Cc:** Brown, Ian; Stanley, Keith  
**Subject:** FW: Investigation

Do we have any information on this?

David B. Sivy  
Forestry Services Manager  
City of Milwaukee  
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Milwaukee, WI 53202  
(414) 286-3729  
(414) 286-8097 FAX  
[david.sivy@milwaukee.gov](mailto:david.sivy@milwaukee.gov)

---

**From:** Stanley, Keith  
**Sent:** Thursday, July 29, 2010 1:33 PM  
**To:** Sivy, David  
**Subject:** Investigation

David,

Can you call Mr. David P. Sweeney a 765-7505? See below for details.

6/28/10

Ald. Hines,

I own a rental property at 2654 N 49th St. A tree located on the property of 2648 N 49th St fell on the power lines of my house and ripped out the two electrical meters and service line. The damage to the property is estimated at \$1100 for the electrical repair and \$600 for tree removal.

I spoke to the owner of 2648 N 49th St and was told that the City of Milwaukee owned the tree that caused the damage. I was also told that the tree had been damaged two years ago and had been literally bolted together as a temporary solution. This temporary solution failed and part of the tree fell sometime this weekend. (I don't know if this will help, but the tree had been tagged with a steel washer with the number 730.)

Can you please tell me who I contact at City Hall in regards to a claim for reimbursement?

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Keith K. Stanley  
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Common Council President Willie L. Hines, Jr.  
Alderman, 15th Aldermanic District  
200 East Wells Street, #205  
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The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City email should presume that the email are subject to release upon request, and to state records retention requirements. See City of Milwaukee full email disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer).



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Sivyer, David to: daniel.p.sweeney

09/16/2010 11:52 AM

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[www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer). DSCN0598.JPG DSCN0599.JPG



DSCN0601.JPG DSCN0602.JPG 2648 N 49TH.gif