

TEARMAN SPENCER

City Attorney

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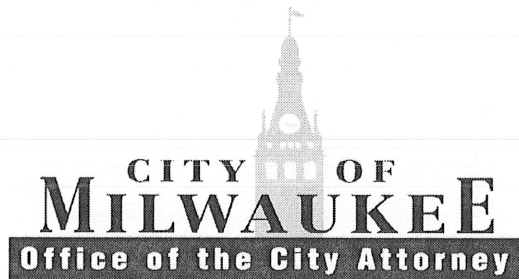
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July 12, 2021

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

Re: Communications from Charles Jones and James Olson
C.I. File Nos. 1048-2021-566 and 1029-2021-38

Dear Council Members:

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

On December 12, 2020, Milwaukee Water Works and Sewer Maintenance responded to a call at 4573 S. Lenox for backwater in the basement. Milwaukee Water Works investigator responded to the location at 7:30 am on the same day of the initial call. Upon the investigator's arrival, work was initiated to turn off the water at the curb stop. In the course of their work, the curb stop was damaged and a Water Field Supervisor was called to the location to assist. At 7:58 am, Milwaukee Water Works contacted DPW – Sewers to check main sewer lines.

Once the curb stop was repaired and turned off, the water continued to flow into the property at 4573 S. Lenox. During this time, Mr. Olson who resides at 4576 S. Lenox Street, approached the Milwaukee Water Works crew to report water had also backed up into his basement.

At 1:16 pm, Milwaukee Water Works contacted DPW – Sewers requesting that a crew report to the location again with a camera and recheck the sewer main. The main sewer was televised and a 3x3 hole was observed at the top of the main sanitary sewer pipe, causing ground water to enter through the crack, resulting in backwater flooding the basements of 4573 S. Lenox and 4576 S. Lenox. Once the main sewer was repaired, the water began to subside from the basements of the affected residences.



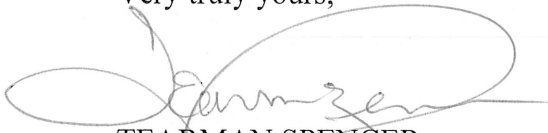
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In conclusion, Milwaukee Water Works' position in regards to the claims filed against the City by Mr. Jones and Mr. Olson, is that they responded to the incident in a timely manner. The basement flooding at 4573 S. Lenox and 4576 S. Lenox was not caused by work or damage to the water supply for which Milwaukee Water Works is responsible.

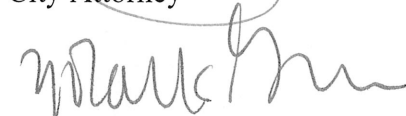
Sewer Maintenance's position on this matter is that the main sewer was televised and a hole was observed at the top of the pipe, which is the likely cause for backwater to flood the affected residences. An emergency crew was dispatched the same day and the repairs were made. Prior to this incident, Sewer Maintenance was not aware of any sewer related problems. The main was last cleaned on October 19, 2019.

Therefore, there is no evidence that the City was negligent in this matter. As such, the City would not be liable. It is recommended that the claims submitted by Mr. Jones in the amount of \$35,579.25 and Mr. Olson in the amount of \$23,000.00, be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



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Assistant City Attorney

YYM/cdr

Enclosure

c: Jane E.T. Islo (Water Business Operations Manager)
Jerry Kruschke, P.E. (City Engineer)

1048-2021-566/275407