

TEARMAN SPENCER

City Attorney

CELIA M. JACKSON

Special Deputy City Attorney

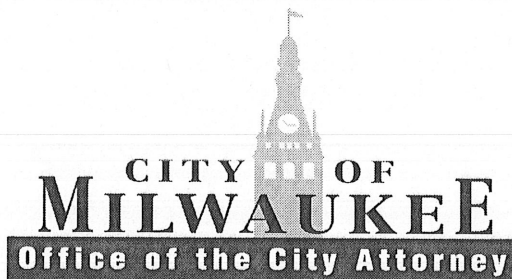
ODALO J. OHIKU

ROBIN A. PEDERSON

YOLANDA Y. MCGOWAN

TODD FARRIS

Deputy City Attorneys



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

HEIDI WICK SPOERL
GREGG C. HAGOPIAN
KATHRYN Z. BLOCK
THOMAS D. MILLER
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
ELLENY B. CHRISTOPOULOS
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
JAMES M. CARROLL
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
ANTHONY JACKSON
NICHOLAS C. ZALES
JENNIFER T. DEMASTER
JOHN D. MCNALLY
STACY J. MILLER
Assistant City Attorneys

February 15, 2022

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

RE: Communication on behalf of Milwaukee Area Technical College
C.I. File No. 1048-2021-420

Dear Common Council Members:

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

Our investigation determined that Milwaukee Water Works (MWW) received a report of leak in the street between West State Street and West Highland on February 7, 2020. An investigator was dispatched and confirmed the leak was located at 1036 North 8th Street and conducted an emergency shutoff of the water main to control the flow of water. The water main was then placed out of service.

On February 8, 2021, a MWW crew arrived and received clearance from Diggers Hotline to locate the leak on the inactive branch. This required a flow of water without placing the water main back in service. The MWW crew was alerted by MATC personnel that water was entering the basement. The MWW crew immediately shut the water off and located another leak underneath the sidewalk on the private side of the active branch. MWW informed MATC that it would need to hire a private contractor at its own expense to repair the leak, and that the water main would be left out of service. Later in the evening, MWW addressed the leak by abandoning the tap at the main, permanently taking the branch out of service. The excavation site was barricaded and filled with chips and gravel to prepare for permanent restoration.

Permanent restoration of the excavation site of the inactive branch was completed on February 9, 2021. The crew verified the gate valve was holding and flushed the hydrant on State Street in order to push air out so that the main could be placed back in service. That same day, MATC contracted with Grunau Company, Inc. to begin repairs to the leak on the private side of the active branch. While Grunau was on site, MWW coordinated efforts with Grunau and MATC to locate the leak by providing a flow of water to the branch. The



The Honorable Common Council
Of the City of Milwaukee
February 15, 2022
Page 2 of 2

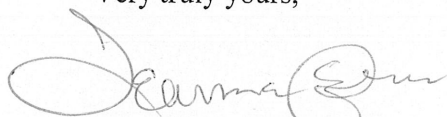
Milwaukee Fire Department notified MWW that MATC's computer room had flooded. As a result, the MWW immediately turned off the water.

On February 10, 2021, the MWW reported to the job site to confirm the water has been turned on and the claimant was no longer experiencing any flooding or leakage in the building. During the repair of the private side of the branch, Grunau discovered that the existing pipe was supported by concrete and that additional piping would need to be extended approximately 6' into the roadway to reach a suitable location to reconnect the branch to the water main. Because this constituted work on the public side of the branch, MWW approved Grunau to perform the work as part of its repair. MWW subsequently paid a total of \$14,544.93 directly to Grunau on May 6, 2021.

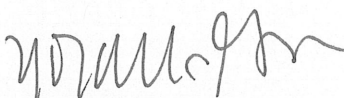
It is our position that Milwaukee Water Works took action as soon as it was informed of the leak, and performed the necessary repairs to the inactive branch in a timely manner. The leak and repair of the inactive branch did not relate or contribute to any of the damages reported. There was no leak, break, or damage to the water main. The property owners are responsible for repairs to the owner's side of the branch, as well as the costs related to the damage.

There is no evidence to support that the City of Milwaukee was negligent in this matter. Therefore, we recommend this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



YOLANDA Y. MCGOWAN
Deputy City Attorney

YYM/KBG/cdr

1048-2021-420/278842