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December 1, 2009

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

Re: Resolution Relating to the Claim of JOHN AND GAYLE ECKLAND  
C.I. File No. 09-S-392

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, John and Gayle Eckland, 7376 West Potomac Avenue, Milwaukee, WI 53216, allege that on June 18 into June 19, 2009 their basement had a sewer back-up which caused damage to personal property and clean-up costs were incurred. They claim damages in the amount of \$11,111.41.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of rain during this time, the City experienced flows that exceeded the capacity of the sewer system. The ISD, Sewer Maintenance Section checked the sewer main and catch basins in the area as a result of this claim and found the facilities were in proper working order on that date. City records also indicate that the main had last been cleaned in April, 2009 and that only light dirt was found in the cleaning process.

The pump on Potomac Avenue is checked monthly and it had been checked on June 12, 2009 and was found to be in proper working order. The ISD, Sewer Maintenance Section conducted additional testing on the pump after the heavy rainfalls on June 18, 2009 and June 19, 2009. They found the piece of equipment that measures the water level in the manhole had failed. The part was replaced, re-tested and it was restored to a properly functioning status.

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The ISD followed its standard procedures and there is no evidence the City was negligent. Therefore, the City would not be liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure

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