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January 25, 2010

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

Re: Resolution Relating to the Claim of MARK & LUANNE SCHIMMEL
C.I. File No. 09-L-116

Dear Council Members:

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

Claimants, Mark and Luanne Schimmel, 3410 South 86th Street, Milwaukee, WI 53227, allege that they sustained damage to their personal property in their home's basement and incurred clean-up costs on July 9, 2009 due to water backing up into their home that was caused by a water main break. They claim damages in the amount of \$5,457.14.

Our investigation reveals that the Milwaukee Water Works (MWW) received a report of a leak and water in the basement at 3424 South 86th Street. A MWW field investigator was dispatched and a possible break in an 8-inch water main was confirmed in the area of South 86th Street and West Holt Avenue. The MWW contacted Digger's Hotline and repair activities were subsequently commenced. The main was repaired and placed back in service later that day.

The basement backup occurred in this situation because the main ruptured near to a sewer manhole chimney. The water broke through the chimney and travelled down to the sewer and back up into the homes.

The Sewer Maintenance Section (SMS) reviewed their records relative to this situation. The SMS investigated several backwaters in the 3300 and 3400 blocks of South 86th Street. The SMS sewer jet vac cleaned the sanitary and storm sewers and restored them to proper working order. The sanitary sewer is on a regular cleaning schedule and was

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last cleaned on April 29, 2008. The City was not aware of any problems with the manhole chimney prior to this incident and inspects all manhole chimneys in the City on a five-year cycle. Manhole chimneys in the subject area were scheduled to be inspected in 2010.

Since the sewer is on a regular cleaning schedule, the manhole chimney is on a regular inspection cycle, and the MWW responded to the water main break in a timely manner and followed standard procedures, we recommend denial of the claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Enclosure
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