



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: February 19, 2025

STANDING COMMITTEE DATE: February 24, 2025

FINAL ACTION COUNCIL DATE: March 4, 2025

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Horton on behalf of the City Attorney's Office submitting the claim of Alex Madisen for consideration for disallowance.

EXECUTIVE SUMMARY:

Alex Madisen filed a claim with the City requesting an unspecified amount in damages for repairs to his vehicle allegedly arising from an empty garbage can blowing into his parked vehicle at City of Racine Fire Station 3 on or about October 31, 2024. Video of the incident shows the garbage can being blown by the wind a great distance across a driveway before striking the claimant's parked vehicle. The City cannot be held legally liable for, so-called, "acts of God," which is a natural event or disaster that cannot be reasonably foreseen or prevented, such as heavy winds.

For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Alex Madisen filed a claim with the City requesting an unspecified amount in damages for repairs to his 2024 Chevrolet Silverado allegedly arising from an empty garbage can blowing into his parked vehicle at City of Racine Fire Station 3 on or about October 31, 2024. Claimant submitted two estimates for repairing the alleged damage—one for \$769.52 and another for \$2,239.39.

Video of the incident shows the garbage can being blown by the wind a great distance across a driveway before striking the claimant's parked vehicle. The City cannot be held legally liable for, so-called,

“acts of God,” which is a natural event or disaster that cannot be reasonably foreseen or prevented, such as heavy winds.

For this reason, it is the recommendation of the City Attorney’s Office that this claim be disallowed.

BUDGETARY IMPACT:

Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00 impact on the City’s budget.

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.