

31 taking place on the property” and the attached photographs support this assessment. The two orders issued
32 on March 29, 2017 both stated that “[a]dditional inspection fees may be charged until the violation(s) are
33 corrected.”

34 Upon reinspection of this property one month later, the violations remained unchanged; therefore,
35 the Building Department issued a second set of orders and assessed a \$50.00 reinspection fee for each order,
36 for a total of \$100.00. This case file was eventually closed on July 13, 2017, when a reinspection revealed
37 that the property had finally been cleaned up.

38 On November 17, 2017, the Gleasons submitted a request to Chief Building Inspector Ken Plaski
39 asking that the \$100.00 in inspection fees be waived. Because nearly seven months had passed since these
40 charges were assessed, the \$100.00 had already been added to the Gleasons’ property tax bill as special
41 charges, and Mr. Plaski could not remove them, even if he wished to do so.

42 Two months later, on January 10, 2018, the Gleasons submitted their claim to the City to again
43 request that these fees be waived.

44 Due to the severity of the recurring code violations that, in the instant case, persisted for several
45 months at the Gleasons’ residential rental property at 1617 Indiana Street and required multiple
46 reinspections to be made by the City’s Building Inspector, the City Attorney’s Office is of the opinion that
47 these reinspection fees were merited and appropriately assessed for these violations.

48 As such, the City Attorney’s Office respectfully advises this Committee to recommend that the
49 Common Council deny the claim of Orville and Geraldine Gleason because the reinspection fees in question
50 were merited and appropriately assessed for these violations and, therefore, should not be reimbursed.

51 _____

52 **BUDGETARY IMPACT:**

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

55 _____

56 **OPTIONS/ALTERNATIVES:**

57 If the Committee recommends that this claim be paid by the City (contrary to any indication of
58 the City’s liability for the alleged damages), this item would have up to a \$100.00 impact on the City’s
59 2018 claims budget.

60 _____

61 **RECOMMENDED ACTION:**

62 The City Attorney’s Office respectfully advises this Committee to recommend that the Common
63 Council deny the claim of Orville and Geraldine Gleason.

64

65 **ATTACHMENT(S):**

66 Three photographs taken by the Building Inspector on March 28, 2017 and April 24, 2017 of the
67 zoning and solid waste storage violations that existed at the Gleasons' residential rental property located
68 at 1617 Indiana Street, Racine, Wisconsin.