

City of Racine, Wisconsin Common Council

AGENDA BRIEFING MEMORADUM

4	COMMITTEE:	Finance and Personnel LEGISLATI	LEGISLATION ITEM #: 0072-18	
5	AGENDA DATE:	February 26, 2018		
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7	DEPARTMENT:	City Attorney's Office		
8	Prepared By:	Assistant City Attorney Marisa Roubik		
9	Reviewed By:	City Attorney Scott Letteney		
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11 12	SUBJECT: Communication from the City Attorney submitting the claim of Orville and Geraldine Gleason for consideration.			
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EXECUTIVE SUMMARY:

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

BACKGROUND & ANALYSIS:

Orville and Geraldine Gleason of 5727 Spring Street, Mt. Pleasant, Wisconsin filed a claim for reimbursement in the amount of \$100.00 for an inspection fee charged by Unified Neighborhood Inspections / Building Department for two inspections performed on or about March 29, 2017 at their rental property located at 1617 Indiana Street, Racine, Wisconsin. After reviewing the circumstances of this claim, the City Attorney's Office recommends denial of this claim.

Beginning in November, 2015, the City's Building Department has issued numerous orders to Orville and Geraldine Gleason to clean up the solid waste and remove the contracting equipment, construction vehicles, and trailers that were being stored in the backyard of their single-family residential rental property at 1617 Indiana Street. The two orders that are the subject of this claim were issued to the Gleasons on March 29, 2017 for various zoning and solid waste storage violations of the Racine Municipal Code of Ordinances. According to the Building Inspector, the "tenant had a full blown contractor's yard

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

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

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

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

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

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

BUDGETARY IMPACT:

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

OPTIONS/ALTERNATIVES:

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

RECOMMENDED ACTION:

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

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65	ATTACHMENT(S):

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