



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: March 4, 2025

STANDING COMMITTEE DATE: March 10, 2025

FINAL ACTION COUNCIL DATE: March 8, 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 Maxwell and Shelly Malkmus for consideration for disallowance.

EXECUTIVE SUMMARY:

Maxwell and Shelly Malkmus filed a claim with the City requesting \$3,720.00 for damages allegedly arising from a light post being installed in the parkway in front of 1709 Linden Avenue, Racine, WI 53403, directly over a sewer pipe on or about October 8, 2024. The City disputes its liability for the claimed damages and the amount thereof. Therefore, the City is requesting disallowance of this claim to permit the parties to determine the proper resolution of this matter while protecting the City's interests by limiting the applicable statute of limitations in accordance with Wis. Stat. § 893.80(1g).

BACKGROUND & ANALYSIS:

Maxwell and Shelly Malkmus filed a claim with the City requesting \$3,720.00 for damages allegedly arising from a light post being installed in the parkway in front of 1709 Linden Avenue, Racine, WI 53403, directly over a sewer pipe on or about October 8, 2024. The property at issue is owned by 823 Properties, LLC, for which Maxwell James Malkmus is the registered agent.

The City disputes its liability for the claimed damages and the amount thereof. Therefore, the City is requesting disallowance of this claim to permit the parties to determine the proper resolution of this matter while protecting the City's interests by limiting the applicable statute of limitations in accordance with Wis. Stat. § 893.80(1g).

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33 **BUDGETARY IMPACT:**

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

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37 **RECOMMENDED ACTION:**

38 That the disallowance of this claim be recommended for approval.