



1 **City of Racine, Wisconsin**
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 1040-24

5 **AGENDA DATE:** November 25, 2024

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7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Deputy City Attorney Marisa Roubik

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10 **SUBJECT:** Communication sponsored by Alder Horton on behalf of the City Attorney's Office submitting
11 the claim of Mark Veenstra for consideration for disallowance.

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13 **EXECUTIVE SUMMARY:**

14 Claimant Mark Veenstra filed a claim with the City requesting an unspecified amount of damages
15 related to a sewer line disconnection at his property located at 816 Prospect Street in Racine, which was
16 allegedly caused when a repair to the water line was purportedly made in 2016. Due to defects in the claim
17 as filed and because there is no evidence that the City of Racine or the Racine Water Utility caused the
18 alleged damage to the claimant's sewer line, it is the recommendation of the City Attorney's Office that
19 this claim be disallowed.

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21 **BACKGROUND & ANALYSIS:**

22 Claimant Mark Veenstra, of 1909 2nd Place, Kenosha, Wisconsin 53140, filed a claim with the City
23 on August 20, 2024, requesting an unspecified amount of damages related to a sewer line disconnection at
24 his property located at 816 Prospect Street in Racine, which was allegedly caused when a repair to the water
25 line was purportedly made in 2016. Due to defects in the claim as filed and because there is no evidence
26 that the City or the Water Utility caused the alleged damage to the claimant's sewer line, it is the
27 recommendation of the City Attorney's Office that this claim be disallowed.

28 The City cannot be held liable for this claim due to defects in the claim as filed. This claim did not
29 include an itemized statement of the relief sought, as required by
30 Wis. Stat. § 893.80(1d)(b). Furthermore, the notice of circumstances that the claimant filed with the City
31 on or about August 20, 2024 was filed untimely. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a

32 notice of the circumstances of a claim within 120 days of the happening of the event giving rise to the claim.
33 The event giving rise to this claim (a water line repair that purportedly disconnected the sewer line) is
34 alleged to have occurred on or about 2016; therefore, the notice of circumstances for this claim would need
35 to have been filed back in 2016 or, possibly, 2017, in order to be timely filed, which it was not. As such,
36 this claim is not actionable under the law.

37 Moreover, the City and the Water Utility searched their records and were unable to find any
38 evidence that a water line repair was performed at or around this property in 2016. As such, there is no
39 corroborating evidence that the City or the Water Utility performed the alleged water line repair in 2016,
40 which is claimed to have resulted in the claimant's disconnected sewer line. Therefore, the City has no
41 reason to believe that it is liable for the alleged damages.

42 For the reasons stated above, it is the recommendation of the City Attorney's Office that this claim
43 be disallowed.

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45 **BUDGETARY IMPACT:**

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

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49 **RECOMMENDED ACTION:**

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

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