



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: October 7, 2025

STANDING COMMITTEE DATE: October 13, 2025

FINAL ACTION COUNCIL DATE: October 21, 2025

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Deonte Coney for consideration for disallowance.

EXECUTIVE SUMMARY:

Deonte Coney filed a claim with the City requesting damages in an unspecified amount for repairs to his vehicle allegedly arising from driving over a pothole located at 3429 Spring Street in Mount Pleasant on June 11, 2025. The portion of the highway at issue appears to be within the Village of Mount Pleasant's municipal boundaries; therefore, it is not maintained or controlled by the City of Racine. As such, the City denies that it was negligent in maintaining the roadway, and the City is not liable for these damages because it had no prior notice of the alleged defect. Furthermore, the claimant was negligent for failing to maintain a proper lookout for potential hazards in plain sight within the highway.

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

BACKGROUND & ANALYSIS:

Deonte Coney, of 3233 Indiana Street, Racine, Wisconsin 53405, filed a claim with the City requesting damages in an unspecified amount for repairs to his vehicle allegedly arising from driving over a pothole located at 3429 Spring Street in Mount Pleasant on June 11, 2025. The portion of the highway at issue appears to be within the Village of Mount Pleasant's municipal boundaries, and, therefore, it is not

31 maintained or controlled by the City of Racine. As such, the City denies that it was negligent in maintaining
32 the roadway, and the City is not liable for these damages because it had no prior notice of the alleged defect.

33 Even if the City controlled and maintained this portion of the highway, Wisconsin Statute section
34 893.83 has eliminated municipal liability for highway defects when it was amended in 2012. By law, the
35 City would not be liable for the claimant's alleged damages because Wisconsin Statute section 893.80
36 confers broad immunity from suits on municipalities for acts that are considered "discretionary" in nature,
37 such as the maintenance of highways for which the municipality has no prior notice of a defect. In this
38 instance, the City did not have prior notice of this highway defect in the vicinity of 3429 Spring Street on
39 or about June 11, 2025. Because the City had no prior knowledge of this defect, the City cannot be held
40 liable for the alleged damages.

41 Furthermore, all drivers have a duty to look out for potential highway hazards in plain sight, such
42 as potholes. If a driver fails to keep a proper lookout and avoid such hazards, the driver is negligent.

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

46 **BUDGETARY IMPACT:**

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

50 **RECOMMENDED ACTION:**

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