



1 City of Racine, Wisconsin
2 Common Council

3 AGENDA BRIEFING MEMORADUM

4 COMMITTEE: Finance and Personnel LEGISLATION ITEM #: 1086-17

5 AGENDA DATE: December 11, 2017

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7 DEPARTMENT: City Attorney’s Office

8 Prepared By: Assistant City Attorney Marisa L. Kasriel

9 Reviewed By: City Attorney Scott R. Letteney

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11 SUBJECT: Communication from the City Attorney re-submitting the claim of Vevlon Days-Kimmons for
12 consideration.

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14 EXECUTIVE SUMMARY:

15 After further research into the alleged location of this deferred claim, the City Attorney’s Office
16 respectfully recommends that this Committee deny this claim because it was improperly filed against the
17 wrong municipality.

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19 BACKGROUND & ANALYSIS:

20 Claimant, Vevlon Days-Kimmons of 2405 Romaine Avenue, Racine, Wisconsin, filed this claim
21 for reimbursement in the amount of \$501.75 for damages allegedly arising when her vehicle sideswiped a
22 residential garbage container, which she alleges was encroaching onto the westbound traffic lane on Spring
23 Street, just prior to the intersection of Spring and Ohio Streets, on or about October 4, 2017.

24 This claim was first brought before the Finance and Personnel Committee during its November 27,
25 2017 meeting. At that meeting, Alderman Perez questioned whether this block of Spring Street was within
26 the municipal boundaries of the City of Racine. The Committee voted to defer this item to allow the City
27 Attorney’s Office to investigate whether the location of this alleged accident was within City limits.

28 Alderman Perez was correct in his belief that this portion of Spring Street is not located within the
29 municipal boundaries of the City of Racine, as evidenced by the attached map. In fact, the block in question,

30 the 4600 block of Spring Street, and several other contiguous blocks of Spring Street to both the east and
31 west are located within the Village of Mt. Pleasant.

32 Furthermore, the City Attorney's Office subsequently received confirmation from the City's Solid
33 Waste Division that the City does not collect any solid waste or recycling along the portion of Spring Street
34 located between Meadowbrook Avenue and Green Bay Road.

35 As such, the City of Racine is not liable for the damages claimed because the alleged accident that
36 is the basis of Ms. Days-Kimmons' claim occurred in the Village of Mt. Pleasant and any residential
37 garbage containers involved in this alleged accident would not have belonged to City of Racine residents
38 nor been serviced by City DPW employees.

39 Inasmuch as the alleged location of this claim falls outside the jurisdictional boundaries of the City
40 of Racine, City Attorney's Office respectfully recommends that this Committee deny Ms. Days-Kimmons'
41 claim because it was improperly filed against the wrong municipality.

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43 **BUDGETARY IMPACT:**

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

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47 **OPTIONS/ALTERNATIVES:**

48 If the recommendation to deny this claim is rejected, and the Committee recommends that this
49 claim be paid by the City (contrary to any indication of the City's liability for this alleged accident), this
50 item would have up to a \$501.75 impact on the City's 2017 claims budget.

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52 **RECOMMENDED ACTION:**

53 The City Attorney's Office respectfully recommends that this Committee deny this claim because
54 it was improperly filed against the wrong municipality.

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56 **ATTACHMENT(S):**

- 57 1. Map of the City of Racine's municipal boundaries in the area surrounding the intersection of Spring
58 and Ohio Streets.
59 2. Letter recommending denial of claim.