



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: July 1, 2025

STANDING COMMITTEE DATE: July 7, 2025

FINAL ACTION COUNCIL DATE: July 15, 2025

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

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

EXECUTIVE SUMMARY:

Claimant Kevin Pirelli is requesting reimbursement for \$2,652.03 in medical expenses arising from an alleged slip and fall on ice that was purportedly located on the sidewalk in front of Stairwell A of the Gaslight Drive parking ramp on or about January 11, 2025. Pursuant to Wis. Stat. § 893.83, the City is immune from liability for the alleged damages. Therefore, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Claimant Kevin Pirelli, of 1632 East Irving Place, #44, Milwaukee, Wisconsin 53202, is requesting reimbursement for \$2,652.03 in medical expenses arising from an alleged slip and fall on ice that was purportedly located on the sidewalk in front of Stairwell A of the Gaslight Drive parking ramp on or about January 11, 2025.

Pursuant to Wis. Stat. § 893.83, "[n]o action may be maintained against a city, village, town, or county to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks." Case law has extended the meaning of highways to include sidewalks. Therefore, Wis. Stat. § 893.83 effectively accords a municipality a three-

31 week period of absolute immunity from suit for damages resulting from the accumulation of snow or ice
32 on a sidewalk.

33 In the three weeks prior to January 11, 2025, temperatures were above freezing on December 23
34 through 31, 2024 and January 1 through 3, 2025. As such, the alleged accumulation of ice on the sidewalk
35 in question could not have existed for more than three weeks.

36 Moreover, all pedestrians have a duty use ordinary care when walking and to look out for potential
37 hazards in plain sight, such as ice on a sidewalk. If a pedestrian fails to keep a proper lookout for such
38 potential hazards in their plain sight, the pedestrian is negligent.

39 For the reasons set forth above, the City is not liable for any damages sustained due to the alleged
40 accumulation of ice on the sidewalk in question. In turn, it is the recommendation of the City Attorney's
41 Office that this claim be disallowed.

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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 **RECOMMENDED ACTION:**

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