



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: February 3, 2026

STANDING COMMITTEE DATE: February 9, 2026

FINAL ACTION COUNCIL DATE: February 17, 2026

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 We Energies for consideration for disallowance.

EXECUTIVE SUMMARY:

Mary Ritenour, on behalf of We Energies, filed a claim with the City requesting \$8,899.81 for damages allegedly arising from a City of Racine and/or Racine Water Utility employee striking and damaging an underground electrical vault belonging to We Energies during curb/gutter replacement activities in front of 141 N. Main Street on or about September 30, 2025. Prior to commencing this work at 141 N. Main Street, the City had made a request to Digger's Hotline to locate all underground hazards so as to prevent striking any such hazards. Digger's Hotline hires contractors to come and perform this location work. Prior to the City commencing this work, the area was marked by the contractor(s) hired by Digger's Hotline. However, the underground electrical vault owned by We Energies was not marked by the contracted locator. As such, the City did not know that it was digging in the immediate vicinity of the We Energies vault due to the failure of the Digger's Hotline contractor to locate this underground vault. The City maintains that the City and/or the Racine Water Utility are not liable for these alleged damages. Rather, Digger's Hotline and/or the contractor hired by Digger's Hotline is liable for these alleged damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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32 **BACKGROUND & ANALYSIS:**

33 Mary Ritenour, on behalf of We Energies, 231 W. Michigan Street, Milwaukee, Wisconsin 53290
34 and P.O. Box 1132, Milwaukee, Wisconsin 53201-1132, filed a claim with the City requesting \$8,899.81
35 for damages allegedly arising from a City of Racine and/or Racine Water Utility employee striking and
36 damaging an underground electrical vault belonging to We Energies during curb/gutter replacement
37 activities in front of 141 N. Main Street on or about September 30, 2025.

38 Prior to commencing this work at 141 N. Main Street, the City had made a request to Digger's
39 Hotline to locate all underground hazards so as to prevent striking any such hazards. Digger's Hotline hires
40 contractors to come and perform this location work. Prior to the City commencing this work, the area was
41 marked by the contractor(s) hired by Digger's Hotline. However, the underground electrical vault owned
42 by We Energies was not marked by the contracted locator.

43 As such, the City did not know that it was digging in the immediate vicinity of the We Energies
44 vault due to the failure of the Digger's Hotline contractor to locate this underground vault. The City
45 maintains that the City and/or the Racine Water Utility are not liable for these alleged damages. Rather,
46 Digger's Hotline and/or the contractor hired by Digger's Hotline is liable for these alleged damages.

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

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49 **BUDGETARY IMPACT:**

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

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53 **RECOMMENDED ACTION:**

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