



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

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 1094-23

5 **AGENDA DATE:** November 27, 2023

6
7 **DEPARTMENT:** City Attorney's Office

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

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10 **SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting
11 the claim of Nancy and Jeffrey Mueller, for consideration for disallowance.

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13 **EXECUTIVE SUMMARY:**

14 Claimants Nancy and Jeffrey Mueller filed a claim with the City on September 5, 2023, requesting
15 an unspecified amount in damages allegedly arising from damage to a fence at 2416 20th Street in Racine,
16 occurring between April and October 2022, during a scheduled alley work project. The contracted party
17 performing this alley work was LaLonde Contractors, Inc. The contractor, rather than the City, is liable for
18 damages allegedly resulting from this contracted alley work project, and the City has notified the claimant
19 of the contractor's name and address so they may file their claim with the contractor. Because the City is
20 not liable for these alleged damages and due to defects in the claim as filed, it is the recommendation of the
21 City Attorney's Office that this claim be disallowed.

22
23 **BACKGROUND & ANALYSIS:**

24 Claimants Nancy and Jeffrey Mueller, of 2416 20th Street, Racine, Wisconsin 53403, filed a claim
25 with the City on September 5, 2023, requesting an unspecified amount in damages allegedly arising from
26 damage to a fence at 2416 20th Street in Racine, occurring between April and October 2022, during a
27 scheduled alley work project.

28 The contracted party performing this alley work was LaLonde Contractors, Inc. The contractor,
29 rather than the City, is liable for damages allegedly resulting from this contracted alley work project, and
30 the City has notified the claimants of the contractor's name and address so they may file their claim with
31 the contractor.

32 The notice of the circumstances of this claim was not timely filed. Wisconsin Statute section
33 893.80(1d)(a) requires a claimant to file written notice of the circumstances of a claim within 120 days after
34 the event giving rise to the claim. In the instant case, the event giving rise to the claim allegedly occurred
35 between April and October 2022. When the City received notice of the circumstances of this claim on
36 September 5, 2023, it was well past the 120-day deadline. As such, the notice of circumstances for this
37 claim was untimely filed.

38 Furthermore, this claim fails to specify the damages sought, as required by law. Pursuant to
39 Wisconsin Statute section 893.80(1d)(b), a claim must contain an itemized statement of the relief sought.
40 Therefore, this claim is defective.

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

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44 **BUDGETARY IMPACT:**

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

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48 **RECOMMENDED ACTION:**

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

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