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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0618-20

AGENDA DATE: September 21, 2020

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of Allen Mierisch for consideration for disallowance.

EXECUTIVE SUMMARY:

Allen Mierisch filed a claim with the City requesting \$466.15 worth of damages for a window that was allegedly broken as a result of road construction at the corner of 21st Street, Kearney Avenue, and Jerome Boulevard on or about August 12, 2020. The contracted party performing this road work was Zignego Company Inc. The contractor, rather than the City, is liable for the alleged damages that result from contracted road construction projects, and the City will notify the claimant of the contractor's name and address.

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

BACKGROUND & ANALYSIS:

Allen Mierisch, of 2322 21st Street, filed a claim with the City requesting \$466.15 worth of damages to a window that was allegedly broken as a result of road construction at the corner of 21st Street, Kearney Avenue, and Jerome Boulevard on or about August 12, 2020. On the date in question, this intersection was undergoing construction which was being performed by a contracted company, Zignego Company Inc. As such, any construction debris that allegedly broke Mr. Mierisch's window was not created by City employees—rather Zignego Company Inc. is liable for this alleged damage.

For the reasons forth above, the City Attorney's Office recommends that this claim be disallowed.
