



**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE: Finance and Personnel**

**LEGISLATION ITEM #: 1096-23**

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**AGENDA DATE: November 27, 2023**

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**DEPARTMENT: City Attorney's Office**

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

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**SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting the claim of Marianne Goodwin, for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Claimant Marianne Goodwin filed a claim with the City on August 29, 2023, requesting \$5,876.00 in damages allegedly arising from damage to a fence at 2428 20th Street in Racine, occurring between August and October 2022, during a scheduled alley work project. The claimant also alleges that the City did not notify her of the proposed alley work project prior to the commencement of the construction, which the City disputes. The contracted party performing this alley work was LaLonde Contractors, Inc. The contractor, rather than the City, is liable for damages allegedly resulting from this contracted alley work project, and the City has notified the claimant of the contractor's name and address so she may file her claim with the contractor. Because the City is not liable for these alleged damages and due to defects in the claim as filed, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Claimant Marianne Goodwin, of 2428 20th Street, Racine, Wisconsin 53403, filed a claim with the City on August 29, 2023, requesting \$5,876.00 in damages allegedly arising from damage to a fence at 2428 20th Street in Racine, occurring between August and October 2022, during a scheduled alley work project. The claimant also alleges that the City did not notify her of the proposed alley work project prior to the commencement of the construction, which the City disputes.

Wisconsin Statute section 66.0703(7)(a) requires that a “notice shall be published as a class 1 notice [in the city] and a copy of the notice shall be mailed, at least 10 days before the hearing or proceeding, to

32 every interested person whose post-office address is known, or can be ascertained with reasonable  
33 diligence. The hearing shall commence not less than 10 nor more than 40 days after publication.”

34 The City contends that the requisite Notice of Public Hearing on Special Assessments for Public  
35 Improvements in the City of Racine, Wisconsin was sent via First Class mail on April 15, 2021 to Marianne  
36 Goodwin at 2428 20th Street. Subsequently, a class 1 notice was published and a Virtual Public Hearing  
37 was held by the Public Works and Services Committee at 6:30 p.m. on May 25, 2021. As such, the claimant  
38 did receive notice and had an opportunity to participate in a hearing on this proposed alley work, contrary  
39 to the allegations in her claim.

40 The contracted party performing this alley work was LaLonde Contractors, Inc. The contractor,  
41 rather than the City, is liable for damages allegedly resulting from this contracted alley work project, and  
42 the City has notified the claimant of the contractor’s name and address so she may file her claim with the  
43 contractor.

44 The notice of the circumstances of this claim was not timely filed. Wisconsin Statute section  
45 893.80(1d)(a) requires a claimant to file written notice of the circumstances of a claim within 120 days after  
46 the event giving rise to the claim. In the instant case, the event giving rise to the claim allegedly occurred  
47 between August and October 2022. When the City received notice of the circumstances of this claim on  
48 August 29, 2023, it was well past the 120-day deadline. As such, the notice of circumstances for this claim  
49 was untimely filed.

50 For the reasons set forth above, it is the recommendation of the City Attorney’s Office that this  
51 claim be disallowed.

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53 **BUDGETARY IMPACT:**

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

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57 **RECOMMENDED ACTION:**

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

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