



**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 Cedric Foster for consideration for disallowance.

EXECUTIVE SUMMARY:

Claimant Cedric Foster filed a claim with the City requesting \$4,863.38 in damages to his vehicle allegedly caused by a snow plow between 8:30 AM and 11:30 AM on February 13, 2025, when his vehicle was improperly parked on the odd side of the 2300 block of Loni Lane, contrary to the Snow Emergency Parking Rules that were in effect on that date. No City employees reported damaging the Claimant's vehicle while operating a City-owned snow plow on the date in question. Because there are no witnesses, proof, or other evidence that the City caused the alleged damage to the Claimant's vehicle, which was improperly parked at the time, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Claimant Cedric Foster, of 2268 Loni Lane, Racine, Wisconsin 53406, filed a claim with the City requesting \$4,863.38 in damages to his vehicle allegedly caused by a snow plow between 8:30 AM and 11:30 AM on February 13, 2025, when his vehicle was improperly parked on the odd side of the 2300 block of Loni Lane, contrary to the Snow Emergency Parking Rules that were in effect on that date.

City employees are required to report any damage they cause to personal property, including other vehicles, while operating a City-owned vehicle. However, no City employees reported damaging the Claimant's vehicle while operating a City-owned snow plow on the dates in question. Furthermore, the

Claimant did not indicate that there were any witnesses to the alleged incident. Without witnesses, proof, or other evidence that a City snowplow caused the alleged damage, the City cannot be held liable for same.

Furthermore, the City had declared a Snow Emergency from noon on February 12, 2025, through noon on February 13, 2025, and Snow Emergency Parking Rules were in effect at the time this alleged incident occurred. From 6:00 AM until noon on February 13, 2025, vehicles on side streets, such as the 2300 block of Loni Lane, were to be parked on the even side only. However, the Claimant's vehicle was improperly parked on the odd side of the 2300 block of Loni Lane during that time, when it was allegedly struck.

Because there are no witnesses, proof, or other evidence that the City caused the alleged damage to the Claimant's vehicle, which was improperly parked on the morning in question, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BUDGETARY IMPACT:

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

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.
