	RACINE ON THE LAKE
	City of Racine, Wisconsin
	Common Council
	AGENDA BRIEFING MEMORANDUM
C	DMMITTEE: Finance and Personnel LEGISLATION ITEM #: 0618-20
AG	ENDA DATE: September 21, 2020
DE	PARTMENT: City Attorney's Office
	Prepared By: Assistant City Attorney Marisa Roubik
	BJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting claim of Allen Mierisch for consideration for disallowance.
EX	ECUTIVE SUMMARY:
Jero Zig froi	Allen Mierisch filed a claim with the City requesting \$466.15 worth of damages for a window that allegedly broken as a result of road construction at the corner of 21st Street, Kearney Avenue, and ome Boulevard on or about August 12, 2020. The contracted party performing this road work was nego Company Inc. The contractor, rather than the City, is liable for the alleged damages that result in contracted road construction projects, and the City will notify the claimant of the contractor's name address.
	For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.
BA	CKGROUND & ANALYSIS:
Kea inte Coi	Allen Mierisch, of 2322 21st Street, filed a claim with the City requesting \$466.15 worth of nages to a window that was allegedly broken as a result of road construction at the corner of 21st Street, trney Avenue, and Jerome Boulevard on or about August 12, 2020. On the date in question, this resection was undergoing construction which was being performed by a contracted company, Zignego npany Inc. As such, any construction debris that allegedly broke Mr. Mierisch's window was not tted 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.

31 BUDGETARY IMPACT:

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

34

35 **OPTIONS/ALTERNATIVES:**

If the Committee recommends that this claim be paid by the City (contrary to any indication of the
City's liability for the alleged damages), this item would have up to a \$466.15 impact on the City's 2020
claims
budget.

40 **RECOMMENDED ACTION:**

The City Attorney's Office respectfully advises this Committee to recommend that the Common Councildisallow the claim of Allen Mierisch.

43

44 ATTACHMENT(S):

45