



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

3 **AGENDA BRIEFING MEMORANDUM**
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5 **INTRO TO COUNCIL DATE: May 19, 2026**

6 **STANDING COMMITTEE DATE: May 26, 2026**

7 **FINAL ACTION COUNCIL DATE: June 2, 2026**
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9 **DEPARTMENT: City Attorney's Office**

10 **Prepared By: Deputy City Attorney Marisa L. Roubik**
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12 **SUBJECT:** Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting
13 the claim of Bailey Berger and Sam Scarlato for consideration for disallowance.
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15 **EXECUTIVE SUMMARY:**

16 Bailey Berger and Sam Scarlato filed a claim with the City of Racine requesting reimbursement of
17 \$14,478.05 for damages allegedly caused to their sewer lateral when the Racine Water Utility's contractor,
18 A.W. Oakes and Son Incorporated, installed a new water main in the vicinity of 3047 90th Street in
19 Sturtevant, Wisconsin. The claimants first discovered this issue on or about November 21, 2026. The
20 Racine Water Utility contracted with A.W. Oakes and Son Incorporated to perform this water main project.
21 The contractor, rather than the City or the Racine Water Utility, is liable for damages allegedly resulting
22 from this contracted water main project, and the City has notified the claimants of the contractor's name
23 and address so they may file their claim with the contractor. Because, by the terms of its contract with
24 A.W. Oakes and Son Incorporated, the City is not liable for these alleged damages, it is the recommendation
25 of the City Attorney's Office that this claim be disallowed.
26

27 **BACKGROUND & ANALYSIS:**

28 Bailey Berger and Sam Scarlato, of 3047 90th Street, Sturtevant, Wisconsin 53177, filed a claim
29 with the City of Racine requesting reimbursement of \$14,478.05 for damages allegedly caused to their
30 sewer lateral when the Racine Water Utility's contractor, A.W. Oakes and Son Incorporated, installed a
31 new water main in the vicinity of 3047 90th Street in Sturtevant, Wisconsin. The claimants first discovered

32 this issue on or about November 21, 2026. The Racine Water Utility contracted with A.W. Oakes and Son
33 Incorporated, of 2000 Oakes Road, Racine, Wisconsin 53406, to perform this water main project. The
34 contractor, rather than the City or the Racine Water Utility, is liable for damages allegedly resulting from
35 this contracted water main project, and the City has notified the claimants of the contractor's name and
36 address so they may file their claim with the contractor. Because, by the terms of its contract with A.W.
37 Oakes and Son Incorporated, the City is not liable for these alleged damages, it is the recommendation of
38 the City Attorney's Office that this claim be disallowed.

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40 **BUDGETARY IMPACT:**

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

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44 **RECOMMENDED ACTION:**

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

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