



City of Waukesha
201 Delafield St. Waukesha, WI 53188
Tel: 262.542.3700
waukesha-wi.gov

Committee: None	Date: 1/17/2024
Common Council Item Number: 24-8829	Date: 2/6/2024
Submitted By: Brian Running	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: BER
Subject: Claim for tire damage, submitted by Talia Monsivais.	

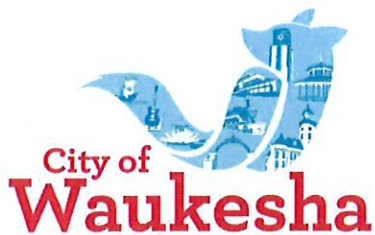
Details:
Claimant damaged a tire on her car when she drove through an area where street re-paving was taking place. Please take a look at the photos submitted by the claimant with the claim. The photos show that a layer of the pavement had been removed for repair to a manhole. The manhole had been surrounded by a ramp of asphalt, as is standard practice, and no barricades were placed because it is safe for ordinary vehicles to drive through.

The materials submitted by claimant show that her vehicle is designed to use 235/65R17 tires. However, she had replaced the stock wheels and tires with 265/35R22 tires and 22-inch wheels. 35-series tires are extremely thin, as you can see by the claimant's photos, and are much more susceptible to damage than the stock tires. In this case, the stock tires would not have been damaged driving through the construction area. By putting 35-series tires on her vehicle, the claimant assumed the risk of damage and the duty to keep watch and not drive through areas where these special tires might be damaged.

Options & Alternatives:
No alternative is recommended.

Financial Remarks:
There should be no financial impact to the City.

Executive Recommendation:
Disallowance of the claim with direction to the Clerk to issue a notice of disallowance to the claimant.



Office of the Clerk Treasurer

201 Delafield Street
Waukesha, Wisconsin 53188-3633

Gina Kozlik, Clerk-Treasurer

clerktreas@waukesha-wi.gov

1-262-524-3550

November 17, 2023

To: Natalie Driebel, Accounting Clerk, Finance Department

Re: Notice of Claim for Property Damages

**Submitted by: Talia Monsivais
443 Richard Street
Waukesha, WI 53189**

Date Claim Received: November 17, 2023

Date Incident Occurred: October 25, 2023

The enclosed is being sent to you to provide to our insurance or as needed for your review.

Sincerely,

A handwritten signature in blue ink that reads "Katie Panella".

**Katie Panella
City of Waukesha Deputy Clerk-Treasurer**

Cc: Clerk (original)/ Attorney / Engineering

November 17, 2023

My name is Talia Monsivais and on Wednesday, October 25th, around 8:10PM ^{on my vehicle.} the rear passenger side tire was significantly damaged. This damage ~~occurred~~ occurred due to negligent city construction workers. A very large hole was created on Richard Street and no construction cones or barrels were placed to alert drivers of the dangerous open hole. It is a dark street as is and the lack of ~~cones~~ reflective cones and barrels directly caused the damage to my vehicle's tire. It is incredibly upsetting as the tires are new and this unexpected cost has caused a great deal of financial disruption. I am seeking total reimbursement for tire and installation. The total cost was \$256.20, and the cost is supported by the attached documentation.

Thank you,

Talia Monsivais
443 Richard Street
Waukesha, WI 53189

Phone: (414) 477-2604

Email: tmonsivais13@yahoo.com





Add a Caption

Wednesday · Oct 25, 2023 · 8:10 PM

Adjust

 IMG_7421

Apple iPhone 13 Pro Max

HEIF  

Wide Camera — 26 mm f1.5

12 MP • 4032 × 3024 • 3.1 MB

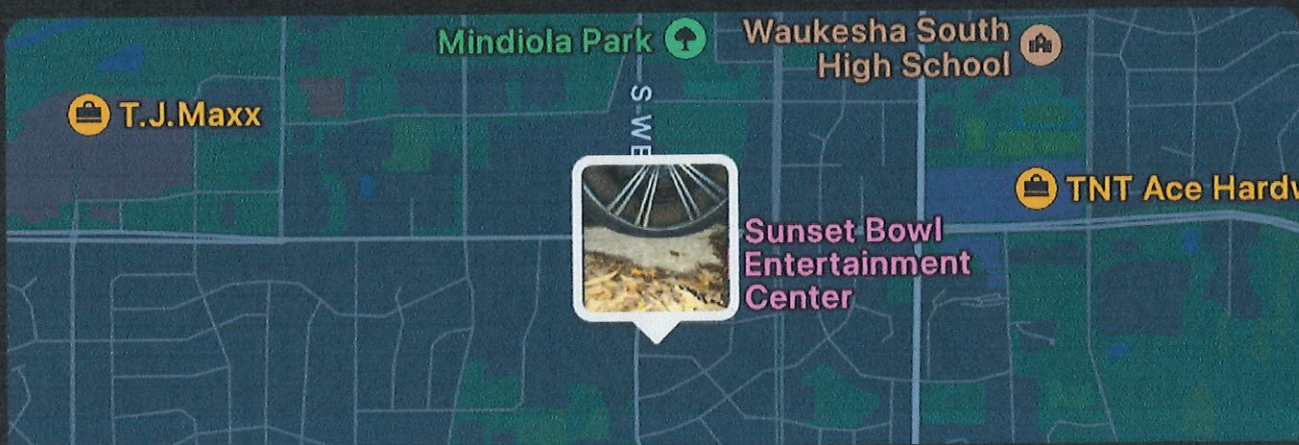
ISO 50

26 mm

0 ev

f1.5

1/4 s



Waukesha

Adjust





Add a Caption

Wednesday · Oct 25, 2023 · 8:10 PM

[Adjust](#)

 IMG_7420

Apple iPhone 13 Pro Max

HEIF



Wide Camera — 26 mm f1.5

12 MP • 4032 × 3024 • 3.2 MB

ISO 40

26 mm

0 ev

f1.5

1/4 s



Waukesha

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[Sent from Yahoo Mail for iPhone](#)



Add a Caption

Wednesday • Oct 25, 2023 • 8:15 PM

Adjust

📁 IMG_7424

Apple iPhone 13 Pro Max

HEIF



Wide Camera — 26 mm $f1.5$

12 MP • 4032 × 3024 • 1.3 MB

ISO 1250

26 mm

0 ev

$f1.5$

1/4 s



Waukesha

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Add a Caption

Wednesday • Oct 25, 2023 • 8:15 PM

Adjust

📷 IMG_7422

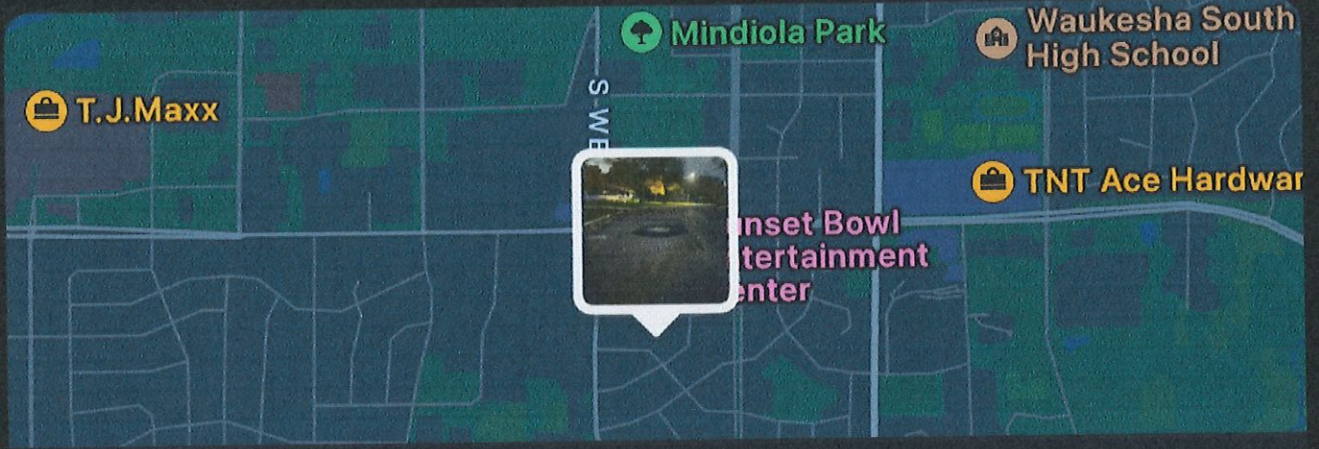
ISO 6400

26 mm

-0 ev

f1.5

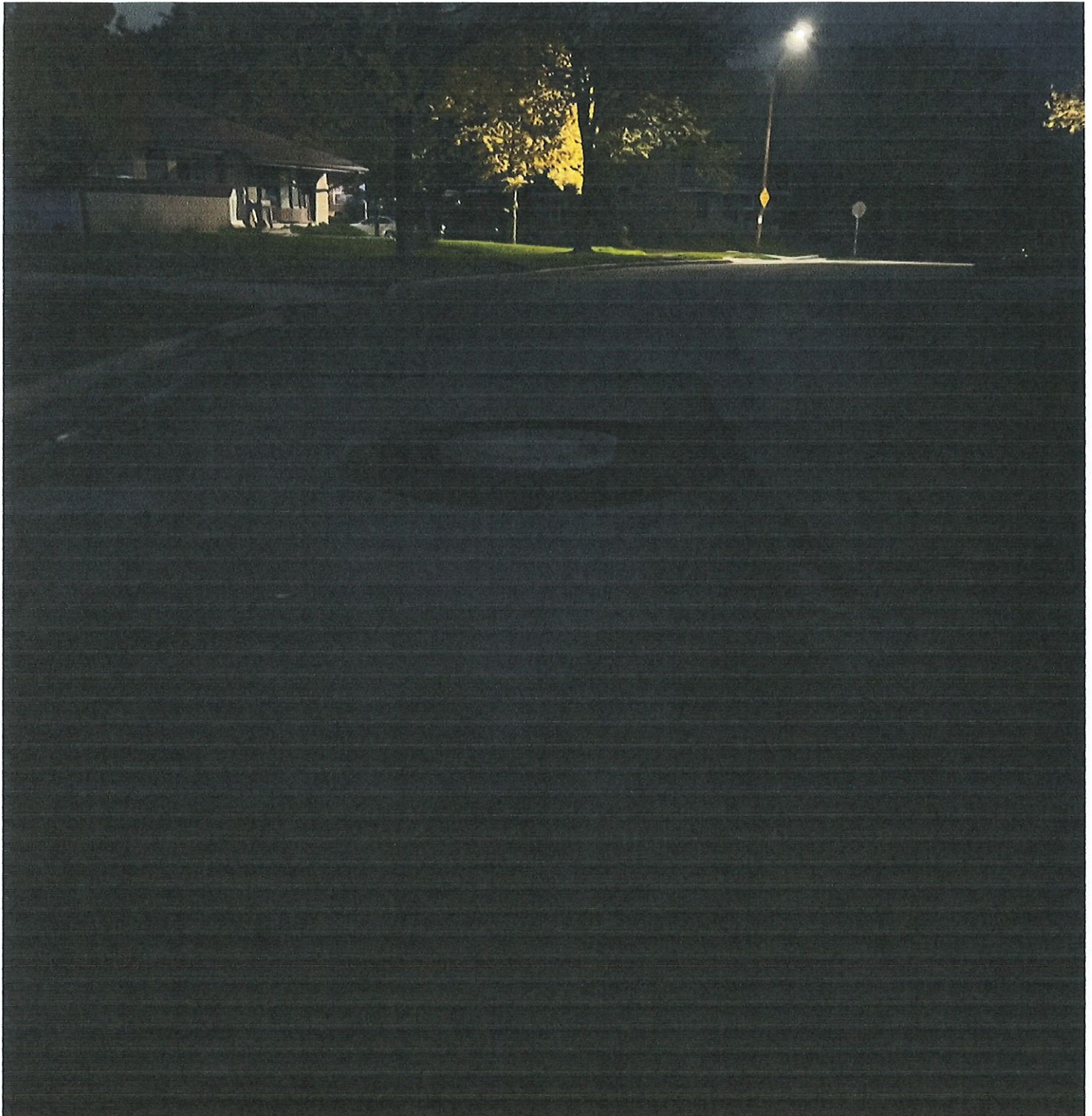
1/5 s



Waukesha

Adjust





Add a Caption

Wednesday • Oct 25, 2023 • 8:15 PM

Adjust

 IMG_7423

Apple iPhone 13 Pro Max

HEIF



Wide Camera — 26 mm f1.5

12 MP • 4032 × 3024 • 1.3 MB

ISO 8000

26 mm

0 ev

f1.5

1/15 s



Waukesha

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Add a Caption

Wednesday · Oct 25, 2023 · 8:15 PM

Adjust

📁 IMG_7425

Apple iPhone 13 Pro Max

HEIF



Wide Camera — 26 mm $f1.5$

12 MP • 4032 × 3024 • 1.1 MB

ISO 250

26 mm

0 ev

$f1.5$

1/4 s



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1:02



Discount Tire

Visit site

Discount Tire Order Confirmation



From dtc-email@discounttire-email.com

To tmonsivais13@yahoo.com

Nov 15 at 5:28 PM



**Your order has been placed
successfully**

Thank you for your order. We appreciate your business.

Please print this email for your records. We're here to help.

If you need any assistance with your order, please contact your store at [\(262\) 506-3232](tel:2625063232). You have up to 10 days to pick up your items.

Order No. 5012797622

Order Placed: Nov 15, 2023

Track your service

Check in for your appointment and get service updates with our [Journey Tracker](#).

My Store Details

 1111 Spring City Ln

Waukesha, WI, 53186-5946

 DIRECTIONS



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1:02



Discount Tire Order Confirmation



Billing Address

443 Richard St

Waukesha, WI 53189-7430

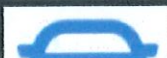
United States

What to Expect:

You must pick up or have your order installed within 10 days for it to remain active in our system. Your **identification** (or your designated Alternate Pick-Up) **will be required** when you arrive to install your items.



We'll **check you in** and confirm your wait time.



For **safety**, you can stay in your vehicle for the



entire service.

MY ORDER

 2003 Acura MDX AWD 235 /65 R17 SL

TIRES



Continental



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Discount Tire Order Confirmation



MY ORDER

 2003 Acura MDX AWD 235 /65 R17 SL

TIRES



Continental

Extreme Contact DWS06 Plus

265 /35 R22 102W XL BSW

Item #88417



\$217.00/ea

Qty: 1

Price: \$217.00

0 In Stock



Available as soon as Thursday, Nov. 16

subtotal: \$27.00



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Discount Tire Order Confirmation



(262) 506-3232



DIRECTIONS



MAKE APPOINTMENT

My Information

Talia Monsivais

443 Richard St

Waukesha, WI 53189-7430

tmonsivais13@yahoo.com

(414) 477-2604

Special Instructions for My Order

Current tire on vehicle popped due to irresponsible road construction workers. The new tire being ordered is its replacement. The rim is okay, just need a tire swap.

Vehicle

2003 Acura MDX AWD 235 /65 R17 SI


1:02



< Discount Tire Order Confirmation AA

FEES	EACH	QTY	PRICE
Tire Disposal Fee	\$3.00	1	\$3.00
Installation & Life Of Tire Maintenance	\$24.00	1	\$24.00

subtotal: \$27.00

 \$110 per set Continental rebate by mail - Valid
11/01 - 12/01/23

[view details](#)

Subtotal

\$244.00

ORDER SUMMARY

Order Subtotal

\$244.00

Taxes

\$12.20

Total

\$256.20

Please tell us about your website experience.

TAKE SURVEY



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