



**City of Waukesha**  
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<b>Committee:</b> None	<b>Date:</b> 10/17/2023
<b>Agenda Item Number:</b> 23-7867	<b>Date:</b> 10/17/2023
<b>Submitted By:</b> Brian Running	<b>City Administrator Approval:</b> <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> <b>BER</b>
<b>Subject:</b> Claim for damages, Dietmar and Rosemary Kartali.	

**Details:**

The Kartalis own a condo unit in East Sutton. They suffered two basement sewer back-ups, one on June 23, 2023, and another on September 12, 2023. They experienced damage on both occasions, which cost a total of \$16,330 to repair. Their insurance covered \$10,000. City crews were dispatched in response to each event, and discovered that the cause of the back-ups was blockage in the sanitary sewer main consisting of crushed rock. Each time, the blockage was removed promptly. City crews attempted to locate the source of the crushed rock with video cameras. The source could not be determined after the first event. Eventually, it was discovered that a private lateral upstream from the Kartalis had a large hole in it, and the crushed-rock fill around the lateral was entering the pipe. Enough had entered the pipe that a sinkhole had formed on the surface. City crews notified the homeowners association responsible for the pipe, and eventually it was repaired.

City crews acted promptly and took appropriate measures each time, and did what they could to rectify the problem. The hole in the pipe was on private property, in privately-owned pipe, not a city sewer. Our review does not indicate negligence on the city's part, and therefore we find that the city is not liable to the Kartalis. We recommend disallowance of the claim.

**Options & Alternatives:**

No alternative is recommended.

**Financial Remarks:**

There is no financial impact to the city from a disallowance.

**Executive Recommendation:**

Disallowance of the claim.