

**CITY OF WAUKESHA****Administration**

201 Delafield Street, Waukesha, WI 53188

Tel: 262.524.3701 fax: 262.524.3899

www.ci.waukesha.wi.us

<b>Source:</b> City Attorney	<b>Date:</b> 2/9/2018
<b>Common Council Item Number:</b> 17-0188	<b>Date:</b> 2/22/2018
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <b>KL</b>
<b>Finance Department Review:</b> Rich Abbott, Finance Director <b>RA</b>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney <b>BER</b>
<b>Subject:</b> Disallowance of claim for personal injuries.	

**Details:**

The attorney for Ronald Olson, a City resident, filed a notice of claim for damages with the City on February 8, 2018. The claim arises from an incident on October 24, 2017 in which Mr. Olson was riding his bicycle. He alleges that his handlebars became tangled in cables that were hanging from a telephone pole, causing him to crash. He does not specify injuries or damages, but it's safe to assume that there are personal injuries, not all of which can be quantified within 120 days of the incident.

**Options & Alternatives:**

If no formal notice of disallowance is done, then the claimant will have a 6-year period within which to file suit against the City, as opposed to a 6-month period.

**Financial Remarks:**

There is no cost associated with a disallowance. The eventual resolution of the claim may involve some payment by the City, but that is not able to be determined now.

**Staff Recommendation:**

City Attorney recommends disallowance of the claim. A disallowance of the claim serves to shorten the time period in which a lawsuit can be filed against the city, from 6 years to 6 months. Disallowance is recommended in this case because the City is not liable for acts or omissions of the telephone company or other owner of the cables, and there are issues of contributory negligence and damages that cannot be determined now. The claim will be presented to the City's liability insurer for defense.

**Recommended Motion:**

I move the disallowance of the personal-injury damages claim of Ronald Olson, served on the City February 8, 2018.