

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

201 Delafield Street, Waukesha, WI 53188

Tel: 262.524.3701 fax: 262.524.3899

www.ci.waukesha.wi.us

| | |
|---|---|
| Committee: None | Committee Meeting Date: Click here to enter a date. |
| Agenda Item Number: 18-1658 | Common Council Meeting Date: 11/8/2018 |
| Submitted By: Brian Running, City Attorney | City Administrator Approval: Kevin Lahner, City Administrator KL |
| Finance Department Review: Rich Abbott, Finance Director RA | City Attorney's Office Review: Brian Running, City Attorney BER |
| Subject: Disallowance of claim for property damage submitted by Wisconsin Title, Closing & Credit Services. | |

Details:

Our Department of Public Works was notified of a sanitary sewer back-up near Paramount Drive. City crews discovered that a sewer main was plugged with grease, probably from restaurants in the area. While doing their investigation of the problem, the City crew also discovered that a private utility had driven their underground conduit through the City's sanitary sewer main, which required that our main be repaired. The contractor that was hired to do that repair accidentally dug through a water main or lateral, which then also needed to be repaired. Eventually, everything was repaired.

In the meantime, Wisconsin Title, which is on Paramount Drive, suffered sewage back-up, and then had several flush valves in their restrooms fail. The sewage back-up was the result of the plugged main, and the flush valves were allegedly damaged by dirt that entered the water lateral when the excavator dug through it. Wisconsin Title claims total property damage of \$1765.30, consisting of cleaning services and plumbing work.

Options & Alternatives:

If the claim is allowed, the City would have to pay the claimant \$1765.30, which would not be covered by insurance. If the claim is disallowed, the claimant (or claimant's property insurance company) will have 6 months within which to file suit against the City.

Financial Remarks:

Maximum potential impact is \$1765.30.

Staff Recommendation:

City Attorney's office recommends formal disallowance of the claim. There are multiple parties at fault. The damages were first caused by the party plugging the sewer with grease, which may have been exacerbated by the utility conduit driven through the main. The alleged damage to the flush valves may have been caused by a contractor digging through the water line. The only damage that could be attributed to the City is some back-up caused when the City crews were jetting out the sewer main. There is simply too much potential blame to go around for the City to assume sole responsibility. A lawsuit will have to be filed to sort out liabilities.