



File Number

Title

# City of West Allis Matter Summary

Status

7525 W. Greenfield Ave. West Allis, WI 53214

2003-0511 Communication In Committee Communication from City Engineer regarding broken sanitary lateral and repair reimbursement in the amount of \$5,341.71 for Mr. Wojciech Dabrowski of 1511 S. 58 Street. Introduced: 08/05/2003 Controlling Body: Public Works Committee COMMITTEE RECOMMENDATION OPPOSE MOVER SECONDER AYE NO PRESENT **EXCUSED** ACTION Barczak DATE: Czaplewski Kopplin Lajsic Narlock Reinke 0 Sengstock Trudell Vitale Weigel TOTAL SIGNATURE OF COMMITTEE MEMBER (RECORDER) Chair Vice-Chair Member COMMON COUNCIL ACTION HO MOVER SECONDER NO PRESENT **EXCUSED ACTION** Barczak DATE: Czaplewski Kopplin 8-5-03 Laisic Narlock Reinke Sengstock Trudell Vitale Weigel TOTAL





MICHAEL G. LEWIS City Engineer

May 1, 2003

**Engineering Department** 

Board of Public Works City of West Allis West Allis, WI 53214

Broken Sanitary Lateral & Repair Reimbursement RE:

Mr. Wojciech Dabrowski, 1511 South 58th Street

#### Dear Board Members:

Attached are two memos regarding this item. To summarize, the failure may have been caused by adjacent underground work in 1999. The failure was within the "riser" lateral pipe, which under current City policy, the City is responsible for.

As advised by the City Attorney, these types of claims are no longer considered insurance matters, but should be expensed to the sanitary sewer utility. Therefore, we are asking approval from the Board of Public Works to reimburse Mr. Dabrowski \$5,341.71 for services and work in repairing the sewer lateral. Funding will come from Account 610-602-5-230.00, Sanitary Sewers.

Respectfully,

Michael G. Lewis City Engineer

MGL/mgl

Attachments



MICHAEL G. LEWIS City Engineer

### **MEMORANDUM**

TO:

Michael Lewis, P.E., City Engineer

FROM:

**Engineering Department** 

Brian D. Block, Traffic & Utility Technician

DATE:

June 17, 2003

RE:

Broken Sanitary Sewer at 1511 S. 58 St. and Possible Claim against the City of West Allis

My involvement in the above-referenced matter began on May 22, 2003. I met with Gene Wagner, of Gene Wagner Plumbing Co. at 1511 S. 58 St. Mr. Wagner stated that he discovered a blockage in the 1511 S. 58 St. sanitary lateral.

He was bidding the job and wanted to know how much pavement would be required to be replaced. I advised him that a minimum of 6 ft. width by the length, from the existing flange line of the curb and gutter to the centerline would need to be replaced.

The pavement width is 28 ft. in S. 58 St. and at 1511 S. 58 St. The pavement is concrete that was reconstructed in 1999, under City Contract No. 1999-1611.

The sanitary sewer main at 1511 S. 58 St. is a 10 in. PVC Pipe, which is a relay of the original 1910 sanitary main. The relay occurred in 1999 under City Contract No. 1999-1312. The sanitary sewer is located in the center of a 60 ft. ROW.

There is also a 12 in. concrete storm sewer installed under Contract No. 1999-1312, located 6 ft. west of the sanitary sewer.

On June 11, 2003, Heiden Plumbing Co., Inc. applied for and received an Excavation Permit, No. 304, for the purpose of repairing a sanitary lateral at 1511 S. 58 St.

On June 12, 2003, I received a telephone call from Jim Czysz, Foreman for Heiden Plumbing Co. requesting my presence at 1511 S. 58 St. I arrived at the location at apx. 11:15 a.m., June 12, 2003.

I observed (1) Foreman, (2) Laborers, (1) Heiden Plumbing Dump Truck, (1) Backhoe, (1) Wisconsin Utilities Exposures "Vac" Truck with (2) Operators, (11) Type I Barricades with lamps, (2) Type II Barricades with lamps and warning signals.

Memo to Michael Lewis June 17, 2003 Page Two

Heiden Plumbing had the existing 6 in. clay sanitary lateral exposed, showing a section broken and shifted at a hub in the lateral. The failed hub section is 3.5 ft. west of S. 58 St. centerline and 184.6 ft. north of the existing manhole located in front of 1536-38 S. 58 St. (See attached Photos No. 1 and No. 2.)

Heiden exposed more of the pipe to the east and discovered that the failed section of the lateral was a clay 45° bend sweep with a rubber Fernco connection attached to the east end, connecting the 6 in. clay to a newer 6 in. PVC pipe. (See attached Photos No. 3 and No. 4.)

Heiden proceeded with repairs of the failed section using 6" PVC pipe and Fernco connections. (see attached Photos No. 5 and No. 6.) Limestone chips were used to bed and cover the lateral.

Heiden Plumbing placed slurry backfill on June 12, 2003. Heiden replaced the concrete pavement (per West Allis Specifications) on June 13, 2003. NOTE: Michael J. Scherer, Plumbing Inspector for the City of West Allis, was on site to inspect the job at 12:30 p.m., June 12, 2003.

The owner of the property 1511 S. 58 St., Wojciech Dabrowski, was at the site while repairs were occurring. I spoke with Mr. Dabrowski, who stated that he had called a plumber due to a "slow draining" sanitary. In addition, this was not the first time he had to call a plumber.

Approximately 6 months to 1 year following the 1999 Project, is when he first began having problems. He stated that no damage occurred in the basement, nor were there any incidents of a sewer backup, just "slow draining".

From the observations made in the field on June 12, 2003, it is my opinion that the possibility exists that the failed section may have shifted from its original position as a direct result of the sanitary relay conducted in 1999.

The failed hub section may or may not have been failing or cracked prior to the 1999 relay, but the close proximity of the 1999 sanitary work leads me to believe that the time it took to get to the condition it was found to be in, was accelerated after the 1999 contract.

On Tuesday, June 17, 2003, an inspection of 1511 S. 58 St. revealed that all barricades had been removed from the job site. The pavement restoration had been made and the street was opened for public use.

Excavation Permit No. 304 was released and the deposit of \$529.92 was returned to Heiden Plumbing.

No City responsibility was implied or acknowledged.

BDB:p

h:\bbm\58st 1511s broken san sewer lateral

cc: Joe Burtch

PROPERTY FILE INQUIRY - PRP002 15:46:48 KEY 438 0471 000 2 ADDRESS 1511 S 58 ST

6/12/03 ZIP 53214 AS OF 87 029

-----LEGAL DESCRIPITON----------OWNER DATA-----BRACKEN BRAE S 15 FT OF LOT 15 & ALL NAME DABROWSKI WOJCIECH

OF LOT 16 BLK 4 ADDR

CITY

------PROPERTY DATA-----

CLASS 4 - RESDT S/L 00 U/C

LAND

18,400

IMPR

99,600

TOTAL

118,000

UNITS: 1

T.I.D.: 00

L/S:

ZONING TRACT-GRP

WARD: 03

RB-2 1-4

DIST: 1

LAND SQR:

5,400.10

-----FIRE INSPECTION DATA-----FIRE INS: FEE: 0

-----AUXILIARY ADDRESS--

RES: I&C:

GARBAGE/RT: THU2

SQ FEET:

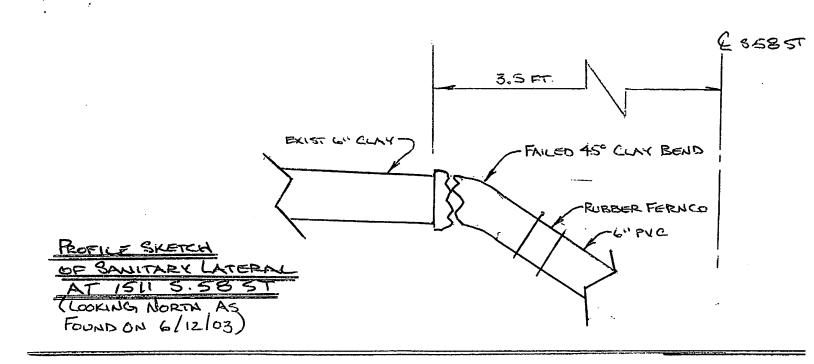
- 1. ENTER ANOTHER PRP # AND ENTER. 2. BACK TO THE ADDRESS INQUIRY USE F1.
- 3. TO ACCESS TAX INFO, ENTER KEY # USE F3. 4. TO ACCESS MARKET-DR USE F4.

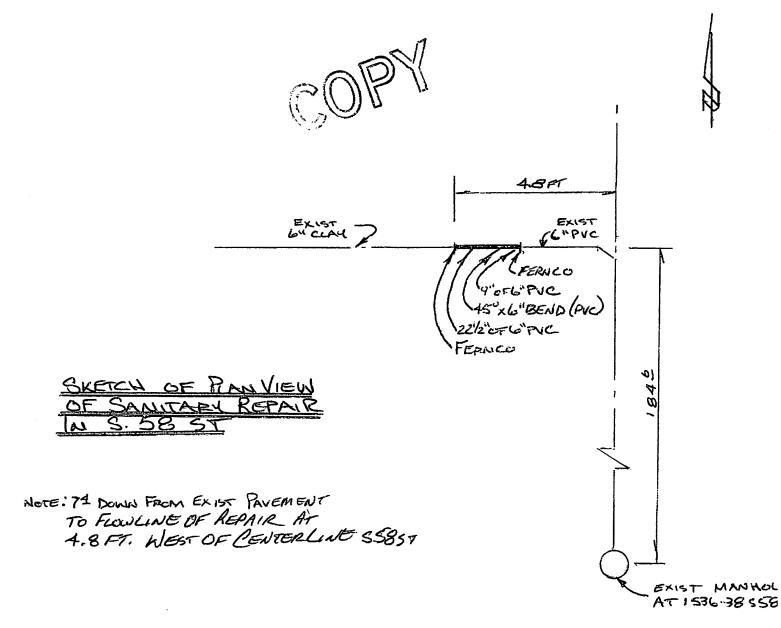
4-©

1 Sess-1 172.16.10.4

#§ 2/7

W. DABROWSKI TECE; 258-0752







# The City of West Allis, WI.

# City of West Allis Department of Engineering PERMIT PROGRAM

### **Permit Information**

Permit #: 304 Notes: Excavation (Plumber) Type of Permit: Permit Holder: Heiden Plumbing Co., Inc. Holder Phone: 414/937-8420 Holder Address: 2465 W. Vliet St., Milwaukee WI 53205-1833 Location: 1511 S. 58 St. Purpose: Sanitary Sewer Lateral Repair \$67.20 Fee: Deposit: \$529.92 Release: 06/11/2003 Issue: Expire: Referred To: B Block / T Meincke Concrete: V Street Light Cable

#### **Address**

01511 S 058

### Charges

#### AGREEMENT

It is understood and agreed that the established grade of the public sidewalk, curb and gutter, and street and alley paving must not be changed; and that, in connection with the work done under this permit, broken or damaged public utilities and permanent improvements must be repaired in a good workmanlike manner. If sidewalk is broken, it must be replaced with concrete 5 or 7 inches thick, as directed. In the event that work is not constructed as designated on permit, the City Engineer reserves the right to condemn and, at permittee's expense, order removal and replacing of work done hereunder.

The owner or contractor is to make all necessary repairs to sidewalk or lawn incident to all work.

If cost of work exceeds deposit, the balance, unless sooner paid, will be assessed against abutting property and collected with the taxes.

If the City Engineer requires a plan, such plan shall be furnished by the applicant and shall have sufficient detailed information so that the work can be designed by the City Engineering Department.

The work done under this permit will be inspected by the City of West Allis. A minimum of 24 Hour Notice shall be given for request for inspection.

When grade stakes are required, same will be set by the Engineering Department when work is to be done. If such grade stakes are not used when requested, a charge will be made for another setting.

Where this permit is issued to authorize the movement of any building, machinery or equipment over the streets, it is agreed that the exact route specified will be followed, time of movement specified observed, and proper protection for pavement or other installations provided. At least one hour prior notice must be given to the Police Department so that escort may be provided when, in their opinion, the movement creates a hazard.

IT IS HEREBY PROVIDED that the permittee will erect barriers and lights to prevent the happening of any accidents or damages, in consequence of the granting of said permit. All traffic related issues shall conform to Manual on Uniform Traffic Control Devices, 2000 Edition. The permittee further agrees to hold the City of West Allis harmless in case of the happening of any accident or on account of any damages arising through the issuance of this permit. The City Engineer reserves the right to revoke this permit at any time, if, in his judgment, it is to be the best interest of the City of West Allis.

THIS PERMIT is issued upon the express condition that the permittee will obey all ordinances of the City of West Ailis, and all rules and regulations of the Engineering Department, relative to the purpose for which said permit is issued.

THE ACCEPTANCE OF THIS PERMIT BY THE PERMITTEE CONSTITUTES AN ACKNOWLEDGMENT AND ACCEPTANCE OF THE CONDITIONS AND REGULATIONS AS HEREIN NOTED.

THIS PERMIT MUST BE KEPT WITH JOB AND SHOWN UPON DEMAND TO ANY POLICE OFFICER OR AUTHORIZED REPRESENTATIVE OF THE ENGINEERING DEPARTMENT.



### NO. 1

Picture taken by Brian Block on 6/12/03 looking north in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304 Existing 6" clay lateral for 1511 S. 74 St. is seen. Broken and shifted section of the 6" clay lateral. This is the point of failure (sewer blockage)



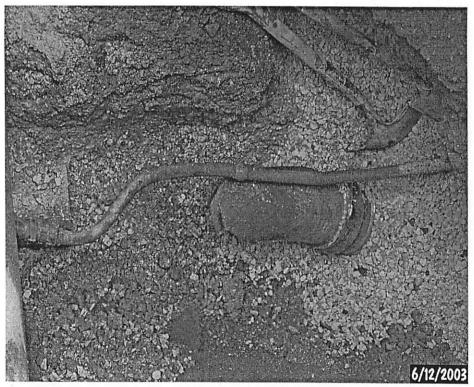
## **NO. 2**

Picture taken by Brian Block on 6/12/03 looking west in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304. Existing 6" clay lateral for 1511 S. 74 St. is seen. Broken and shifted section of the 6" lateral. This is the point of failure (sewer blockage).



## NO. 3

Picture taken by Brian Block on 6/12/03 looking north in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304 Existing 6" clay lateral for 1511 S. 74 St. is seen. Fernco connection is seen on east end.



# NO. 4

Picture taken by Brian Block on 6/12/03 looking north in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304 Existing 6" clay lateral for 1511 S. 74 St. is seen. Fernco connection is seen on east end.



# NO. 5

Picture taken by Brian Block on 6/12/03 looking north in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304. Seen is repaired section of existing 6" clay With fernco connection and PVC SDR 35 sewer pipe.

# NO. 6

Picture taken by Brian Block on 6/12/03 looking north in excavation by Heiden Plumbing at 1511 S. 58 St. Work done under excavation permit No. 304. Seen is repaired section of existing 6" clay With fernco connection and PVC SDR 35 sewer pipe.

# MENORANDUM

RECEIVED

JUL 2 2 2003

CITY OF WEST ALLIS ENGINEERING DEPT

TO:

Mike Pertmer, Director of Public Works

FROM:

Jeff Warchol, Assistant City Attorney

DATE:

July 8, 2003

SUBJECT:

Claim against the City of West Allis

by Wojciech Dabrowski

The enclosed claim has been filed against the City of West Allis. It is requested that you conduct an investigation and provide written advice to this office of your findings and recommendations as to the disposition.

Thank you for your assistance and cooperation.

There:

I show we weren't really involved with this

# it looks like your pept. was - 4'ill

let you handle it. Jeff Warehal has
been so instigred

The

JJW: kp **Enclosures** 

L:jeff\claims\memos\Memo-Pertmer,Mike



# CITY OF WEST ALLIS

WISCONSIN

City Clerk/Treasurer Office

Paul M. Ziehler City Administrative Officer Clerk/Treasurer

Award for

Dorothy E. Steinke Deputy City Treasurer

Monica Schultz Assistant City Clerk

July 15, 2003

Wojciech Dabrowski 1511 S. 58 Street West Allis, WI 53214

Dear Mr. Dabrowski:

This letter acknowledges receipt of your communication regarding damage to the sewer lateral allegedly sustained at 1511 S. 58 Street in 1999.

The original document will be submitted to the Common Council at its meeting of August 5, 2003.

It is not anticipated that a decision regarding this matter will be made on this date. Generally, all communications are directed to the City Attorney's office for investigation. Common Council action regarding your communication will not be taken until the City Attorney's investigation is completed. Any questions you may have regarding this matter should be directed to their attention.

Sincerely,

Monica Schultz

Assistant City Clerk

/dlm

cc:

City Attorney

Minin Schulte

RECEIVED
JUL 1 5 2003
WESTALLS

MOJCIECH

W. Dabrowski 1511 S.58<sup>th</sup> Street West Allis, WI 53214 (414) 258 – 0752 July 11, 2003

City of West Allis

Attention: City Clerk

Subject: Claim for \$5341.71. This represents the costs associated with, and the

repair of a broken sewer lateral

Gentlemen:

I have lived at this address

Home address: 1511 S.58th Street

West Allis, WI 53214

City identifier: Bracken Brae S15 feet of Lot 15 and all of Lot 16 Block 4

since 1970.

I have never had a problem with my sewer in all that time – thirty years.

In 1999 the City repaved S.58<sup>th</sup> Street and, as part of the project, replaced the sewer and installed a separate storm sewer.

Since then I have had the following problems with my sewer – in chronological sequence:

- On September 7, 2000 my sewer backed up.
   I called Gene Wagner Plumbing of West Allis and had the sewer line cleared. (Roto Rooted).
   Cost \$192.19.
   Photocopy of Gene Wagner statement attached.
- On September 20, 2002 my sewer backed up again.
   I called Gene Wagner Plumbing and had the sewer line cleared (Roto Rooted).
   Cost \$139.92.
   Photocopy of check made out to Gene Wagner attached.

RECEIVED

On May 9, 2003 my sewer backed up again.
 I called Gene Wagner Plumbing and had the sewer line cleared (Roto Rooted). I also had Gene Wagner send a camera down the sewer line to see if we could determine what was causing this series of problems. The camera showed that the sewer lateral was broken.

Cost \$369.60.

Photocopy of Gene Wagner statement and photocopy of check made out to Gene Wagner attached.

The sewer lateral was excavated on June 12, 2003 by

Heiden Plumbing, Inc. 2465 West Vliet Street Milwaukee, WI 53205 (414) 937 – 8420

The initial stage of the excavation was done by machine but the final stages were done using a vacuum type of device to ensure that the sewer lateral was not disturbed. Mr. Brian Block of the City of West Allis Engineering Department witnessed the latter part of the excavation. It was found that the sewer lateral was in pieces and had not failed at a joint which, apparently, is the common failure mode for a clay sewer lateral.

Cost \$4640.00.

Photocopy of invoice - marked paid in full - from Heiden, is attached.

It is theorized that the sewer lateral was damaged when the storm sewer was installed. It was not damaged by the installation of the main sewer line.

Since the problems which I experienced with my sewer appear to be due to negligence by a City of West Allis subcontractor, I hereby submit a claim for \$5341.71, which is the amount which I have spent due to the problem with my sewer lateral.

If there are any questions please call me at (414) 258 - 0752.

Sincerely

W. Dabrowski

# GENE A. WAGNER PLUMBING CO., INC. COMPLETE PLUMBING SERVICE MASTER PLUMBER LICENSE #222399

Phone: 541-9217

017 South 60th Street	Fax: 541-9486
STOMER: 1.) Do 6-0415/6.	PURCHASE ORDER NO:
DRESS: ICII Sa Con	JOB NO: 45706
VNER OR AGENT MUST SIGN: I authorize and order the work of	tenerihed hereon, unon the terms and conditions set forth below and on the reverse
te hereol. I represent that I am either the owner of the property I labor and materials appears on the face hereol, all charges for wo	or the owners agent, and have authority to order said work. Others a indo piece of the performed and materials installed shall be on a time and materials basis. OWNER
	OF THIS FORM. rials, for contractor to remove any sewer or drain cleaning equipment which becomes improper plumbing installation.
tangled in a sewer of drains because of disrepair, tree roots or in	reproper plumbing installation.
W. Laboret	CUSTOMER PHONE NO:
Date S. 9-0-3 AM PM	Date AM PM
From	From
ravel Time / 2.9)	Travel Time
Arrival Time / O /	Arrival Time
Departure Time 2 30	Departure Time
NOTICE! All owner's or agent's must initia	altime TERMS: NET
recorded above. This is the tin will be billed. NOE/CEPTIONS.	UPON COMPLETION!
WILDS DIESE. IN DEVICE I LUNG.	
YORK AT:	
PERMITS:	
AUTHORIZED WORK TO BE DONE:	
PHS	Jusy ce 1-0;
Sewir - To bit	a problem at S6 LIV
out. I ased a	3.5 eath - head 1
cet The screen	To run of I T.U.
11	De A that it is
2 Siller	TOUR PORT OF THE PROPERTY OF T
Broken in voad	Seula 16 Deorge mose
Storm aur -	Sauw in road is 10 6
To Buch and STO	in Seur 18 9 bow 50
<u> </u>	
Jun mader	25.00
(1, 2, 4)	175 00
1460= 13/. 1	1,50,00
- 1 14 Many	<u></u>
	77.00
	67.60
5, 4	Tell - 350.00
	Tair 19,60
	369 60
DATE OF WORK;	-1/4W1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
5-4-03 NAME: / /	
Jim B	1/1/2/2
1   1/1/	1/1 V/ / / / / / / / / / / / / / / / / /
	MUI WA CAM
JOB COMPLEYED NOT COMPLETED	JOB NO: 45706
	As required by the Wisconsin Construction Lien Law, builder
REMARKS:	hereby notifies owner that persons or companies furnishing labor or meterials for the construction on owner's land may have tien
	rights on owner's land and buildings if not paid. Those entitled to lies rights in addition to the understanted builder, are those who
	contract directly with the owner or those who give the owner notice within sivty clave, after they first furnish labor or materials for the
WORK INSPECTED AND APPROVED:	construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction, and
	should give a copy of each notice received to his mortgage tender, if any, Builder agrees to cooperate with the owner and his lender,

#### GENE A. WAGNER PLUMBING CO., INC. COMPLETE PLUMBING SERVICE MASTER PLUMBER LICENSE #222399

Phone: 541-9217 2017 South 60th Street Fax: 541-9486 CUSTOMER: PURCHASE ORDER NO: Drows Ki 28 4 ADDRESS: OWNER OR AGENT MUST SIGN: I authorize and order the work described hereon, upon the terms and conditions sot forth below and on the reverse side hereof. I represent that I am either the owner of the property or the owner's agent, and have authority to order said work. Unless a fixed price for labor and materials appears on the face hereof, all charges for work performed and materials installed shall be on a time and material basis. Owner or agent acknowledges and has read reverse side of this form. JOB NO: \_ CUSTOMER PHONE NO: Date 9.7.00 AM PM Oate From Travel Time Travel Time :50 10 Arrival Time 12:31 Departure Time Departure Time NOTICE! All owner's or agent's must initial time recorded above. This is the time you will be billed. NO EXCEPTIONS. TERMS: NET **UPON COMPLETION!** WORK AT: PERMITS: WORK TO BE DONE: 25.00 157. 82. ن ي JOB COMPLETED 35671 As required by the Wisconsin Construction Lien Lew, builder hereby notifies owner that persons or compenies furnishing labor or materials for the construction on owner's land and pittings or the paid. Those entitled to lien rights on owner's land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned builder, are those who contract directly with the owner or those who give the owner notice within starly days after they first furnish labor or materials for the construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to his mortgage lender, if any, Builder agrees to cooperate with the owner and his lender, if any, Builder agrees to cooperate with the owner and his lender, if any, to see that all potential lien claimants are duty paid.

#0750000544 000 10 135523 0 0 2672 100000 139 9 2 1 1511 S. 58TH ST. PH. 414-258-0752 WEST ALLIS, WI. 53214-5114 M&I Marshall & IIsley Bank

WOJCIECH M. DABROWSKI 12-5,140 SHEILA M. DABROWSKI 0001035573 1511 S 58TH ST. PH. 414-258-0752 WEST ALLIS, WI 53214-5114	2789
to wine	\$ 369 600 621 \$ 369 600
M&I Marshall & IIsley Bank	CLCAIN LA Designation
MENO Sciet CLEAL ( )	SE SE
",07500005", 00010" 35573" 02789 ".0000035950"	000036960,



PLUMBING CO., INC.

M.P. #5615

2465 WEST VLIET STREET, MILWAUKEE, WISCONSIN 53205 - (414) 937-8420 - FAX (414) 937-8425 PLUMBING • HEATING • COOLING • REFRIGERATION • SHEET METAL • ELECTRICAL

### BILL TO:

Mr. Wojciech Dabrowski 1511 S. 58th Street West Allis, WI 53214-5114 INVOICE DATE

06/17/2003

INVOICE NUMBER \* 25446 \*

ACCOUNT NUMBER 8526

P.O. NUMBER

JOB LOCATION:

1511 S. 58th Street, West Allis

SERVICES RENDERED

Sanitary sewer repair. 06/12/03-06/13/03:

Furnished labor, materials, equipment and permits as needed to dig up broken sanitary sewer. Repaired sewer per proposal. All work inspected.

As quoted = \$4.640.00

Thank you, we appreciate your business!!!

Paid \$2,320.00 ....Balance Due \$2,320.00

LIEN RIGHTS: "AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER . MATERIAL and / or SERVICE THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN SIXTY DAYS (60) AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS/HER MORTGAGE LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID."

4.640.00

STATE SALES TAX

0.00

TOTAL THIS INVOICE

4,640.00

All invoices are due "NET" - 10th of the month following date of invoice A finance charge of