

**AGENDA
CITY OF HARTFORD
FINANCE & PERSONNEL COMMITTEE
VIRTUAL MEETING YOUTUBE LIVE
TUESDAY, APRIL 14, 2020
6:30 P.M.**

1. Call to order.
2. Roll call.
3. Discussion and consideration of denying a personal injury claim from Dennis Marthler.
(Executive Summary attached)
4. Discussion and consideration of denying a personal injury claim from Kelsent Campos.
(Executive Summary attached)
5. Adjournment.

NOTE: "PERSONS WITH DISABILITIES REQUIRING SPECIAL ACCOMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE CITY CLERK AT LEAST ONE (1) BUSINESS DAY PRIOR TO THE MEETING."

"MEMBERS OF THE COMMON COUNCIL MAY ATTEND THE ABOVE MEETING, PURSUANT TO STATE EX REL. BADKE V. GREENDALE VILLAGE BOARD, 173 WIS 2D 553, 494 N.W. 2D 408 (1993). SUCH ATTENDANCE MAY BE CONSIDERED A MEETING OF THE COMMON COUNCIL. THIS NOTICE IS GIVEN SO THAT MEMBERS OF THE COMMON COUNCIL MAY ATTEND THE MEETING WITHOUT VIOLATING THE OPEN MEETING LAW."

EXECUTIVE SUMMARY

Title: Personal Injury Insurance Claim Submitted by Dennis Marthler

Background: On October 12, 2019 Dennis Marthaler at Washington Heights, 525 North Main Street, slipped and fell due to frost on the ground while taking his dog outside. Mr. Marthaler submitted a Notice of Claim and has been submitting medical bills. However, his claim is incomplete as he did not filled out the total dollar amount for damages he is claiming.

The Liability Claims Adjuster from CVMIC believes the City of Hartford did not cause any unsafe condition, nor allow one to persist as it would be impossible to remove frost from any grassy area behind the complex.

It is the recommendation of the City's Insurance Review Committee, as well as CVMIC Representative Allison DeFranze, that this claim be denied.

Fiscal Impact: Unknown at this time

Recommendation: That the personal injury claim for Dennis Marthler be denied.

PREPARED BY: Julie Hanrahan DATE: 4-6-2020
Julie Hanrahan, Administrative Assistant

REVIEWED BY: Lori Hetzel DATE: 4/6/20
Lori Hetzel, City Clerk

Jan Prust DATE: 3-16-2020
Jan Prust, City Attorney

Deena Brooks DATE: 4/6/20
Deena Brooks, Washington Heights Director

APPROVED BY: Steve Volkert DATE: 4/6/20
Steve Volkert, City Administrator

ROUTING: Finance & Personnel Committee: April 14, 2020
Common Council: April 28, 2020

Julie Hanrahan

From: Allison C. De Franze <acd@cvmic.com>
Sent: Wednesday, March 11, 2020 2:44 PM
To: Julie Hanrahan
Subject: Marthaler v City of Hartford

Hi Julie,

I am in receipt of the above claim that has been filed against the City of Hartford by Dennis Marthler. As you are aware, the City is self-insured for this loss and should the City decide to settle this matter, any settlement would come from City funds.

Based on the information that I have received, it is my understanding that the claimant slipped and fell on October 12, 2019, due to frost on the ground.

The City had no prior notice of any dangerous condition. The City did not cause any unsafe condition, nor allow one to persist. Based on this, it is my opinion that the city is meeting the standard of reasonable care, which is the standard that municipalities are held to.

In addition, it is my opinion that the City would be immune from liability under Wis. Stat. 893.80 (4), which provides immunity for discretionary actions by municipalities. It is my opinion that when and how often a municipalities inspects and maintains their sidewalks is a discretionary decision, for which the City would have immunity based on the above statute.

As such, it would be my recommendation that this claim be denied.

Should you have questions or wish to discuss this further, please feel free to contact me.



9898 W. Bluemound Road
Wauwatosa, WI 53226

Allison C. De Franze
Liability Claims Adjuster
tel: (414) 831-5989
office: (262) 784-5666 (ext 189)
email: acd@cvmic.com
web: cvmic.com
fax: (262) 784-5599

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City of Hartford

CITY HALL - 109 NORTH MAIN STREET - HARTFORD, WI 53027-1591

NOTICE OF CLAIM

Claimant Name: DENNIS L. MARTHALER Date of Accident: 10/12/2014
 Address: 525 N MAIN STREET APT 112 Time: 6:00
 Phone: 262-353-0865 Location: HILL BEHIND APARTMENT BUILDING
 (Home) (Work)

Type of Claim: _____ Auto Damage on City Street Personal Injury
 _____ Sewer Backup _____ Property Damage
 _____ Other _____

Weather Conditions (Clear/Rainy/Icy/Slippery/Snowy, etc.): SLIPPERY HEAVY FROST

It is imperative that you list (for auto damages) the street, and if it is the north, south, east, or west corner. Draw a diagram on the back of this form, showing location.

Was a contractor working in this area? _____

Was a Police Report taken? No If so, it must be attached to this claim.

Was any medical attention given? YES If so, list physician's name: DR. SINGHAL

What City Department, if any, did you contact? _____

Who did you speak with? _____

Were there witnesses? No If yes, give name(s): _____

CIRCUMSTANCES OF CLAIM

I FELL ON MY BACK WHEN I TOOK MY DOG OUT TO GO Potty

(If additional space is needed, please use reverse side)

PLEASE TURN IN COPIES OF ANY BILLS, ESTIMATES, ACCIDENT REPORTS, ETC. FOR OUR INFORMATION.

If any property or automobile damage is involved, please furnish two estimates with this claim. Return to: City Clerk's Office, City of Hartford, 109 North Main Street, Hartford, WI 53027.

CLAIM

Note: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City at any time consistent with the applicable statute of limitations. However, in order for the City to formally accept or deny your claim at this time, the following claim must be completed and signed.

The undersigned hereby makes a claim against the City of Hartford in the dollar amount of \$ _____ arising out of the circumstances described above. (To process this claim, it is necessary to support in detail the money damages being sought.)

CLAIMANT SIGNATURE: Dennis L. Marthaler Date: 2/11/2020

EXECUTIVE SUMMARY

Title: Personal Injury Insurance Claim Submitted by Kelsent Campos

Background: On November 19, 2019 the daughter of Kelsent Campos, 470 Whistle Drive, touched the marker on the fire hydrant, causing fiberglass to go into her hand. Mr. Campos submitted a Notice of Claim listing \$400 in medical bills.

Director of Utilities Brian Rhodes states that these hydrant markers are designed and installed for the purpose of identifying the location of each fire hydrant and to direct emergency personnel to that specific location. These markers are the standard in most communities. Fire hydrants and markers should only be accessed by trained City of Hartford staff and emergency personnel.

It is the recommendation of the City's Insurance Review Committee, as well as CVMIC Representative Tom Mann, that this claim be denied.

Fiscal Impact: \$400

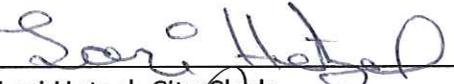
Recommendation: That the personal injury claim for Kelsent Campos be denied.

PREPARED BY:


Julie Hanrahan, Administrative Assistant

DATE: 4-6-2020

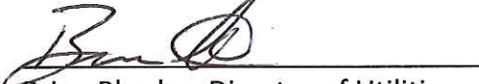
REVIEWED BY:


Lori Hetzel, City Clerk

DATE: 4/6/20


Ian Prust, City Attorney

DATE: 3-16-2020


Brian Rhodes, Director of Utilities

DATE: 4/6/2020

APPROVED BY:


Steve Volkert, City Administrator

DATE: 4/6/2020

ROUTING:

Finance & Personnel Committee:
Common Council:

April 14, 2020
April 28, 2020

Julie Hanrahan

From: Allison C. De Franze <acd@cvmic.com>
Sent: Wednesday, March 11, 2020 3:17 PM
To: Julie Hanrahan
Subject: Sophia Campos v City of Hartford

Hi Julie,

I am in receipt of the claim that has been filed by Sophia Campos against the City of Hartford, in the amount of \$400.00. As you are aware, the City of Hartford is self-insured for this loss, and should the City decide to settle this matter, the settlement would come from City funds.

In reviewing your attached documentation, I note that it appears that the City is meeting the standard of reasonable care, which is the standard that municipalities are held to, as there was no knowledge of present danger or of any dangerous condition. The fact that the City decided to use these markers is a discretionary decision, and therefore immunity under WI statute 893.80(4) would apply.

Additionally, the caregiver can be found liable for failure to properly supervise a child under the age of seven years old.

Based on all of the above, we would recommend denial of this claim.

Thank you,



9898 W. Bluemound Road
Wauwatosa, WI 53226

Allison C. De Franze
Liability Claims Adjuster
tel: (414) 831-5989
office: (262) 784-5666 (ext 189)
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fax: (262) 784-5599

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City of Hartford

CITY HALL - 109 NORTH MAIN STREET - HARTFORD, WI 53027-1591

NOTICE OF CLAIM

Claimant Name: Sophia Campos Date of Accident: 11/19/19 to 11/20/19
 Address: 470 Whistle Dr Apt 8 Hartford WI 53027 Time: 8:45 pm
 Phone: cell (262) 707-9307 Location: out side garage
 (Home) (Work)

Type of Claim: _____ Auto Damage on City Street _____ Personal Injury
 _____ Sewer Backup _____ Property Damage
 _____ Other _____

Weather Conditions (Clear/Rainy/Icy/Slippery/Snowy, etc.): fiberglass in the left hand

It is imperative that you list (for auto damages) the street, and if it is the north, south, east, or west corner. Draw a diagram on the back of this form, showing location.

Was a contractor working in this area? No

Was a Police Report taken? No If so, it must be attached to this claim.

Was any medical attention given? Yes If so, list physician's name: in Aurora Emergency Room

What City Department, if any, did you contact? The fire commander Paul in Hartford
Who did you speak with? Paul

Were there witnesses? Sophia Mom If yes, give name(s): Nataliya Campos
Yes

CIRCUMSTANCES OF CLAIM

My daughter (5 years old) was playing in the yard and touched the antenna they fire hydrants have and her hand had about 100 more spines of fiberglass

(If additional space is needed, please use reverse side)

PLEASE TURN IN COPIES OF ANY BILLS, ESTIMATES, ACCIDENT REPORTS, ETC. FOR OUR INFORMATION.

If any property or automobile damage is involved, please furnish two estimates with this claim. Return to: City Clerk's Office, City of Hartford, 109 North Main Street, Hartford, WI 53027.

CLAIM

Note: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City at any time consistent with the applicable statute of limitations. However, in order for the City to formally accept or deny your claim at this time, the following claim must be completed and signed.

The undersigned hereby makes a claim against the City of Hartford in the dollar amount of \$ 400 arising out of the circumstances described above. (To process this claim, it is necessary to support in detail the money damages being sought.)

CLAIMANT SIGNATURE: Nelson C Date: 2/2/2020