

Service Packet – City of Wauwatosa

Filed Electronically in Milwaukee County Circuit Court

Case No. 2025SC026865

Plaintiff: Christopher K. Merker

Defendant: City of Wauwatosa

Date: Oct-10-2025

Received by

OCT 10 2025

City Clerk's Office

This packet is being delivered to the City Clerk's Office for the City of Wauwatosa in connection with the above-captioned case.

It includes the following documents:

1. Electronic Filing Notice (GF-180)
2. Summons and Complaint (dated October 8, 2025)
3. Additional Information and Supporting Exhibits (filed October 7, 2025)

Service is being completed today, October 10, 2025, by personal delivery to the City Clerk's Office, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213.

Delivered by: Courtney Abell (on behalf of Plaintiff)

Please accept this packet on behalf of the City of Wauwatosa.

STATE OF WISCONSIN**CIRCUIT COURT****MILWAUKEE**

Christopher K Merker vs. City of Wauwatosa

**Electronic Filing
Notice**

Case No. 2025SC026865

Class Code: Sm Claim, Claim Under \$ Limit

FILED

10-08-2025

Anna Maria Hodges

Clerk of Circuit Court

2025SC026865

Honorable Small Claims

Commissioner Court

CITY OF WAUWATOSA
C/O CITY CLERK'S OFFICE
7725 W. NORTH AVENUE
WAUWATOSA WI 53213

Received by

OCT 10 2025

City Clerk's Office

Case number 2025SC026865 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: b774ff

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

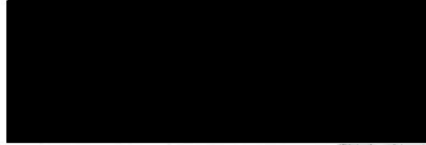
If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4140.

Milwaukee County Circuit Court
Date: October 8, 2025

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

Plaintiff: (Name [First, Middle, Last], Address, City, State, Zip)

(Nombre [primero, segundo, apellido], domicilio, ciudad, estado, código postal)



☐ See attached for additional plaintiffs.
Ver adjunto para otros demandantes.

-vs- -contra-

To: Defendant(s): (Name [First, Middle, Last], Address, City, State, Zip)

Para: Demandado(s): (Nombre [primero, segundo, apellido], domicilio, ciudad, estado, código postal)

City of Wauwatosa

c/o City Clerk's Office

7725 W. North Avenue

Wauwatosa, WI 53213

☐ See attached for additional defendants.
Ver adjunto para otros demandados.

☐ Amended Enmendado

Summons and Complaint
Small Claims
Citaciones y Demanda
Reclamos de menor cuantía

Case No. _____

Causa No. _____

- ☒ Claim for money (\$10,000 or less) 31001
Reclamo de dinero (\$10,000 o menos)
- ☐ Tort/Personal injury (\$5,000 or less) 31010
Agravio/lesión personal (\$5,000 o menos)
- ☐ Return of property (replevin) 31003
Devolución de propiedad (reivindicación de cosas muebles)
- ☐ Eviction / Desalojo 31004
- ☐ Eviction due to foreclosure 31002
Desalojo por ejecución de hipoteca
- ☐ Arbitration award 31006
Sentencia de arbitraje
- ☐ Return of earnest money 31008
Devolución de señal

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations. This form must be completed in the English language.

Este documento no sustituye el uso de un intérprete, ni los coloquios judiciales exigidos por la ley. Tampoco sustituye la responsabilidad del tribunal y los abogados de asegurarse de que las personas cuya comprensión del idioma inglés sea limitada entiendan por completo sus derechos y obligaciones. Este documento debe completarse en el idioma inglés.

One or both parties require the services of an interpreter. Which party? _____ Which language? _____

Complete and file the Interpreter Request (GF-149) form.

Una o ambas partes requieren los servicios de un intérprete. ¿Qué parte? _____ ¿Qué idioma? _____
Llene y presente el formulario de solicitud de intérprete (GF-149).

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

Si necesita arreglos razonables para participar en el proceso judicial debido a una discapacidad, por favor llame a _____ antes de la fecha judicial programada. Tenga en cuenta que el tribunal no proporciona transporte.

SUMMONS / CITACIONES

To the Defendant(s): Para el/los demandado/s:

You are being sued as described on the attached complaint. If you wish to dispute this matter:

Lo están demandando según lo indicado en la demanda adjunta. Si desea disputar este asunto:

- ☐ You must appear at the time and place stated.
Debe comparecer a la hora y en el lugar establecidos.
- ☐ You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.
Debe presentar una respuesta por escrito y proporcionar una copia al demandante o al abogado del demandante en la fecha y hora

When to Appear/File an Answer
Fecha para comparecer/
presentar una respuesta

Date
Fecha

Time
Hora

Place to Appear/File an Answer
Lugar para comparecer/presentar una
respuesta

establecidas o con anterioridad a ellas.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

Si no comparece ni responde, el demandante puede ganar esta causa y se puede dictar un fallo a favor de lo que el demandante esté solicitando.

Clerk/Attorney Signature
Firma del Actuario de Juzgado/Abogado

Olivia Maria Hodges

Place to Appear: **APPEAR IN PERSON**
Milwaukee County Courthouse
901 North 9th Street, CH #400
Milwaukee, WI 53233

Date Summons Issued
Fecha de emisión de la
citación

Date Summons Mailed
Fecha en la que se envió la citación

COMPLAINT / DEMANDA

Plaintiff's Demand:

Demanda del demandante:

The plaintiff states the following claim against the defendant(s):

El demandante realiza la siguiente demanda contra el/los demandado/s:

1. Plaintiff demands judgment for (Check as appropriate)

El demandante exige un fallo por: (Marcar lo que corresponde)

☒ Claim for Money \$ 837

Reclamo de dinero

☐ Tort/Personal Injury \$ _____

Agravio/lesión personal

☐ Return of property (replevin) (Describe property in 2 below.) (Not to include Wis. Stats. 425.205 actions to recover collateral)

Devolución de propiedad (reivindicación de cosas muebles) (Describe la propiedad en el punto 2 abajo) (Excluyendo las acciones en virtud de las leyes de Wisconsin 425.205 para recuperar la garantía)

☐ Eviction

Desalojo

☐ Eviction due to foreclosure

Desalojo por ejecución de hipoteca

☐ Return of Earnest Money

Devolución de seña

☐ Confirmation, vacation, modification or correction of arbitration award.

Confirmación, anulación, modificación o corrección de sentencia arbitral.

Plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

Más intereses, costos, honorarios legales, de existir, y toda otra asistencia que el tribunal considere adecuada.

2. Brief statement of dates and facts:

Breve declaración de fechas y hechos:

(If this is an eviction action and you are seeking money damages, you must also state that claim on this form.)

(Si es una acción de desalojo y busca el resarcimiento de dinero, debe también indicar ese reclamo en este formulario.)

City sidewalk crew damaged our pre-marked sprinkler system (same flags as neighbor—no damage). Crew lead admitted damage and said City would reimburse. Despite the City Attorney's 9/1 note that flags were "a very important factual distinction," the City later denied. Three invoices (Jun-Jul) = \$837. Seeking \$837 + filing/service costs + modest water waste.

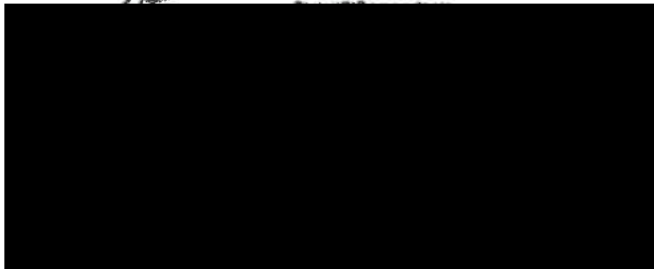
☒ See attached for additional information. Provide copy of attachments for court and defendant(s).

Ver adjunto para información adicional. Proporcione copia de adjunto para el tribunal y el/los demandado/s.

I am the: ☒ plaintiff. ☐ attorney for the plaintiff.

Soy: demandante. abogado del demandante.

[Handwritten signature]



Attorney/Abogado

Name Printed or Typed / Nombre escrito en letra de molde o a maquina

Address / Dirección

Email Address
Dirección de correo electrónico

Telephone Number
Teléfono

Date / Fecha

State Bar No
Número de inscripción en el Colegio de Abogados

Small Claims Court

Sprinkler System Damage

Plaintiff: Christopher and Kayla Merker

Defendant: City of Wauwatosa

Date: October 3, 2025

Complaint

Plaintiffs' underground sprinkler system was damaged during City sidewalk work despite being clearly marked with flags (same as neighbor, whose system was not damaged). The crew lead admitted the damage and assured reimbursement. On September 1, 2025, the City Attorney acknowledged the presence of flags as "a very important factual distinction," but the City nevertheless denied the claim two weeks later. The sprinkler system required three rounds of professional repair: the initial June repairs plus a July follow-up when another head in the same zone failed due to destabilization from the original damage. Plaintiffs seek \$837 in repair costs, plus recoverable filing/service fees, and a modest water-waste amount.

We estimate the total recovery amounts as follow:

Lakeland Sprinkler repairs	\$837.00
Water waste	\$76.16
<u>Court/service costs</u>	<u>\$150.00</u>
Total	\$1,063.16

1. Kayla's One-Page Statement

Statement of Fact — Kayla Merker

I, Kayla Merker, state the following:

1. Before the City sidewalk project began, I **marked our sprinkler heads and line with flags** (the same type of flags our neighbor across the street used; their system was not damaged).
2. During or immediately after the work, I spoke directly with the **crew lead**, who **acknowledged the damage** and stated the **City would reimburse us**.
3. We did not receive any notice of the date work would occur and therefore could not be present to protect or deactivate our system.
4. The sprinkler system suffered substantial damage requiring professional repair at a cost of **\$837** (invoices attached).

I affirm that the above is true to the best of my knowledge.

Signature: Kayla Merker

Date: 10/5/2025

2. Neighbor Statement

Statement of Fact — Neighbor (Mr. Brian Krumsee)

I, Brian Krumsee, reside at [REDACTED] [REDACTED] [REDACTED]. Before the City sidewalk project began, I used the **same type of flags as the Merkers** to mark my sprinkler system. My system was not damaged during the work.

Signature: 

Date: Oct 6, 2025

3. Exhibits

- **Exhibit A:** Sprinkler repair invoices (\$837, including July follow-up repair).

Lakeland Sprinkler Inc.

PO Box 311
Sussex, WI 53089
USA

Voice 414-873-7003
Fax 414-755-2089

INVOICE

Invoice Number 30504
Invoice Date Jul 23, 2025
Page 1
Duplicate

Bill To:
[REDACTED]

Ship to:
[REDACTED]

Customer ID	Customer PO	Payment Terms	
Merker, Christopher		Net 5 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
Don			7/28/25

Quantity	Item	Description	Unit Price	Amount
1.00	Labor Service Techni	Service call Broken Spray Head, 1 hr of labor)	110.00	110.00
1.00	Material	4" Spray w/ Nozzle	50.00	50.00

Subtotal	160.00
Sales Tax	
Total Invoice Amount	160.00
Payment/Credit Applied	
TOTAL	160.00

Check/Credit Memo No

GO GREEN! NOW OFFERING PAPERLESS BILLING AND
APPOINTMENT SCHEDULING! CALL OR EMAIL US TODAY!
ENROLL!
sales@lakelandsprinkler.com

Overdue Invoices are subject to 8.25 late charges

Lakeland Sprinkler Inc.
 PO Box 311
 Sussex WI 53088
 USA
 Voice 414-973-7803
 Fax 414-753-2089

INVOICE
 Invoice Number 39330
 Invoice Date Jun 11 2025
 Page 1
 Duplicate

Bill To:		Ship To:	
Customer ID		Customer PO	
Meritor, Christopher		Payment Terms	
Sales Rep ID		Shipping Method	
Dan Corral		Ship Date	
		Due Date	
		01/02/20	

Quantity	Item	Description	Unit Price	Amount
1.00	Labor Service Tech	Service call zone 3 damage from city sidewalk (1st hr of labor)	110.00	110.00
10.00	1" Poly Pipe	100 PSI polyethylene pipe	2.00	20.00
5.00	1" Poly Fittings	Insert barbed fitting	6.00	30.00
4.00	Material	3/4" x 1" PVC Slip Fitting	8.00	32.00
4.00	Material	1" Galvanized coupling	10.00	40.00
12.00	1" Coupler	1" stainless steel clamp	2.00	24.00
1.00	Material	PVC Glue & Primer	10.00	10.00
1.00	Material	4" Spray Head w/ Nozzle	48.00	48.00
1.00	Material	1/2" Funny Elbow	5.00	5.00
1.00	Material	Funny Pipe	4.00	4.00
1.50	Labor Service Tech	Additional Labor for repair	100.00	150.00
SUBTOTAL				468.00
Sales Tax				468.00
Total Invoice Amount				468.00
Payment/Credit Applied				
TOTAL				468.00

Overdue invoices are subject to \$25 late charges

Check/Credit Memo No.
 CO CHECK! NOW OPENING BUSINESS BUILDING AND
 APPOINTMENT SCHEDULING CALL OR EMAIL US TODAY!
 KENGLI
 kengli@lakelandsprinkler.com

Lakeland Sprinkler Inc.
PO Box 311
Sussex, WI 53080
USA

Voice 414-673-7893
Fax 414-755-2089

INVOICE

Invoice Number 39339
Invoice Date Jun 18 2025
Page 1
Duplicate

Bill To:

[REDACTED]

Ship to:

[REDACTED]

Customer ID	Customer PO	Payment Terms	
Merker Christopher		Net 5 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
Dan Schell			6/21/26

Quantity	Item	Description	Unit Price	Amount
1 00	Labor Service Tech/F	Zone had damage from city new side walk	119 00	119 00
1 00	Material	1/2" Cut off nipple	6 00	6 00
1 00	Material	4" Spray Head	40 00	40 00
1 00	Material	Spray Nozzle	6 00	6 00
0 50	Labor Service Tech/F	Additional labor for repair	100 00	50 00

Subtotal	211 00
Sales Tax	
Total Invoice Amount	211 00
Payment/Credit Applied	
TOTAL	211.00

Check/Credit Memo No

GO GREEN! NOW OFFERING PAPERLESS BILLING AND
APPOINTMENT SCHEDULING! CALL OR EMAIL US TODAY!
ENROLL!
sales@lakelandsprinkler.com

Overdue invoices are subject to \$25 late charges

- **Exhibit B:** Photos of damaged line/heads.







- **Exhibit C:** Email chain (Aug 4 reconsideration letter; Sept 1 Tate email with quote; denial letter).



Jennifer J. Tate

Special Assistant
George M. Schumel

Wauwatosa City Attorney

9/26/25



Mr. and Mrs. Merker,

The City of Wauwatosa received your correspondence from September 21, 2025.

On July 7, 2025, our office received your claim regarding your sprinkler system and denied the claim on August 4, 2025. Additionally, my office responded to your follow up letter on August 29, 2025. It is important to note that my office responded to your claim well within the timeframe afforded by Wisconsin Statutes.

I reviewed your letter from September 21, 2025, and my position on this matter remains unchanged. We have considered all information, but the information provided does not warrant a revision of my original decision.

Best,

A handwritten signature in blue ink, appearing to read 'J. Tate'.

Jennifer Tate

Begin forwarded message:

From: Chris Merker <[REDACTED]>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request
Date: September 21, 2025 at 8:36:18 AM CDT
To: Kayla Merker <[REDACTED]>
Cc: Katie Sandoval <ksandoval@wauwatosanet.net>, Jennifer Tate <jtate@wauwatosanet.net>

Hi Katie,

Thank you for processing the yard-waste bin claim. We are still awaiting a decision on the sprinkler system claim.

It has now been nearly four months since we first submitted this. All documentation is already in this thread (photos, invoices, etc.). As clarified: the sprinklers were pre-marked with flags (the same flags our neighbor used—no damage there), and the crew lead acknowledged the damage and assured reimbursement on site.

This is my final request for a written decision. Please provide the City's decision by Friday, September 26. If we do not receive it by then, we will proceed with a small claims filing (and, if needed, a public records request). If Ms. Tate is unavailable, please route this to the acting attorney or claims contact today.

Thank you,

Chris

On Sep 18, 2025, at 12:13 PM, Kayla Merker <[REDACTED]> wrote:

<image0.jpeg>
Sent from my iPhone

On Sep 18, 2025, at 10:07 AM, Katie Sandoval <ksandoval@wauwatosanet.net> wrote:

Hi Kayla,
There was nothing attached to this email.
Can you please try again?
Thanks,
Katie

From: Kayla Merker <[REDACTED]>
Sent: Thursday, September 18, 2025 9:58 AM
To: Chris Merker <[REDACTED]>
Cc: Katie Sandoval <ksandoval@wauwatosanet.net>; Jennifer Tate <jtate@wauwatosanet.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Sent from my iPhone

On Sep 16, 2025, at 8:07 AM, Chris Merker <[REDACTED]> wrote:

Thanks, Katie. I'll have Kayla fill out and return. What's the status on the sprinkler system reimbursement?

Chris

Sent from my iPhone

On Sep 15, 2025, at 1:05 PM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Good Afternoon,

Please see the release for repayment for the replacement of your garbage cart. If you agree to the terms listed, please sign and return to our office.

We can issue payment after the release is received.

Thank you,

Katie

From: Chris Merker <[REDACTED]>

Sent: Sunday, September 14, 2025 10:37 AM

To: Kayla Merker <[REDACTED]>

Cc: Katie Sandoval <ksandoval@wauwatosa.net>; Jennifer Tate <jtate@wauwatosa.net>

Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Good morning,

Are we near final resolution on this issue? When can we expect a payment by check from the city?

Thank you,

Chris Merker

Hi Kayla,

There was nothing attached to this email.

Can you please try again?

Thanks,

Katie

From: Kayla Merker <[REDACTED]>

Sent: Thursday, September 18, 2025 9:58 AM

To: Chris Merker <[REDACTED]>

Cc: Katie Sandoval <ksandoval@wauwatosa.net>; Jennifer Tate <jtate@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Sent from my iPhone

On Sep 16, 2025, at 8:07 AM, Chris Merker <[REDACTED]> wrote:

Thanks, Katie. I'll have Kayla fill out and return. What's the status on the sprinkler system reimbursement?

Chris

Sent from my iPhone

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We can issue payment after the release is received.
Thank you,
Katie

From: Chris Merker <[REDACTED]>
Sent: Sunday, September 14, 2025 10:37 AM
To: Kayla Merker <[REDACTED]>
Cc: Katie Sandoval <ksandoval@wauwatosa.net>; Jennifer Tate <jtate@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Good morning,

Are we near final resolution on this issue? When can we expect a payment by check from the city?

Thank you,

Chris Merker

On Sep 4, 2025, at 10:05 AM, Kayla Merker <[REDACTED]> wrote:

<Merker - release.pdf>

Good Afternoon,

Please see the release for repayment for the replacement of your garbage cart. If you agree to the terms listed, please sign and return to our office.

We can issue payment after the release is received.

Thank you,

Katie

From: Chris Merker <[REDACTED]>

Sent: Sunday, September 14, 2025 10:37 AM

To: Kayla Merker <[REDACTED]>

Cc: Katie Sandoval <ksandoval@wauwatosa.net>; Jennifer Tate <jtate@wauwatosa.net>

Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Good morning,

Are we near final resolution on this issue? When can we expect a payment by check from the city?

Thank you,

Chris Merker

On Sep 4, 2025, at 10:05 AM, Kayla Merker <[REDACTED]> wrote:



Wauwatosa City Attorney

Jennifer J. Lutz

Special Assistant
George M. Schimmel

September 15, 2023



RE: Claim from June 11, 2023

Ms. Merker,

The City of Wauwatosa reviewed your claim regarding an incident between a garbage cart and with a City of Wauwatosa Public Works vehicle.

The City conducted a review of its records and has approved reimbursement in the amount of \$75.00.

If you agree to the terms of your reimbursement, please read the attached release and sign and return to our office. Once received, the City of Wauwatosa will issue a check for reimbursement.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jennifer Lutz'.

Jennifer Lutz
City Attorney
414-479-8905

2725 West North Avenue Wauwatosa, Wisconsin 53213-0068 Phone: (414) 479-8905 Fax: (414) 479-8474

Yes, please. The form needs to be completed in totality – including the amount of reimbursement you're seeking from the city.

From: Kayla Merker [REDACTED]
Sent: Wednesday, September 3, 2025 11:09 AM
To: Katie Sandoval [REDACTED]
Cc: Chris Merker [REDACTED]; Jennifer Tate <jtate@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container -- Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin -- Reimbursement Request

I completed this in June, do you need it again?
Sent from my iPhone

On Sep 3, 2025, at 10:56 AM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Hi Kayla,
Please fill out the attached document. I need a completed claim form for every claim filed against the city.
I appreciate you understanding.
Have a nice day,
Katie

From: Kayla Merker [REDACTED]
Sent: Wednesday, September 3, 2025 8:34 AM
To: Chris Merker [REDACTED]
Cc: Jennifer Tate <jtate@wauwatosa.net>; Katie Sandoval <ksandoval@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container -- Damaged by Collection Crew
Follow-Up: Damaged Yard Waste Bin -- Reimbursement Request

Attached is the receipt for the yard waste bin that is the replacement for the one that the city destroyed in June.

<image001.jpg>

Please let me know what else you need from me.
Kayla

Sent from my iPhone

On Sep 3, 2025, at 6:37 AM, Chris Merker [REDACTED] > wrote:

Thank you.

Chris

On Sep 1, 2025, at 9:09 AM, Jennifer Tate <jtate@wauwatosa.net> wrote:

Mr. Merker:

You are correct that is a very important factual distinction. I will need to speak to our public works department. In the meantime, if you have any additional evidence of the flags being posted, please provide that to my office.

I hope you had a nice holiday weekend.

Jennifer

Get Outlook for iOS

From: Chris Merker [REDACTED]
Sent: Sunday, August 31, 2025 6:09:59 AM
To: Jennifer Tate [REDACTED]
Cc: Kayla Merker [REDACTED]; Kie Sandoval <ksandoval@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container - Damaged by Collection Crew
Follow-Up: Damaged Yard Waste Bin - Reimbursement Request

Dear Ms. Tate,

I want to clarify an important point in response to your August 28 letter. When I submitted our August 4 reconsideration letter, I was personally unaware that my wife had already pre-marked the sprinkler heads and line with flags before the sidewalk work began. That is why our earlier correspondence stated we were unable to mark the system.

In fact, the sprinklers were flagged in advance. Moreover, a member of the work crew acknowledged the damage on site and told my wife that the City would reimburse us. We relied on that assurance while documenting and repairing the system.

We also note that we used the same marking flags as our neighbor directly across the street, whose sprinkler system was not damaged during the project. This demonstrates that the flags were adequate, that crews had notice, and that the damage to our system resulted from carelessness rather than unavoidable circumstances.

I regret the confusion caused by my earlier understanding, but this correction is critical: the City did have constructive notice through the flags, the damage was acknowledged by a worker on site, and later sod work by City crews showed that working around sprinklers is feasible and expected. Taken together, these facts demonstrate that the damage was preventable and that our reimbursement request remains valid.

Accordingly, we again respectfully request reimbursement of the \$700 sprinkler repair, resolution of the yard-waste bin claim (Kayla will be following up with the completed claim form), and consideration of the unnecessary water waste caused by the damaged system.

We would strongly prefer to resolve this matter amicably and directly with the City. However, if the denial is maintained despite these clarified facts, we will be prepared to proceed with a public-records request and a small claims filing.

Sincerely,

Chris & Kayla Merker

cc: Katie Sandoval

On Aug 29, 2025, at 4:33 PM, Katie Sandoval <ksandoval@wauwatoso.net> wrote:

Good Afternoon,
Please see the attached letter from City Attorney Tate.
Thank you,
Katie

From: Katie Sandoval
Sent: Friday, August 22, 2025 8:55 AM
To: 'Kayla Merker'; Jennifer Tate <jtate@wauwatoso.net>
Cc: Chris Merker
Subject: RE: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Hi Chris and Kayla,
We have not received a completed claim form for the yard waste bin.
The claim form I received was for the underground sprinkler system.
Please have that returned to us so we can make sure everything is included in the response from Attorney Tate.
Thanks,
Katie

From: Kayla Merker
Sent: Friday, August 22, 2025 8:55 AM
To: Jennifer Tate
Cc: Chris Merker; Katie Sandoval <ksandoval@wauwatoso.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

With all due respect, we've been communicating with you well before the floods. Our response was sent in early August, the flooding began on August 10th.

Sent from my iPhone

On Aug 22, 2025, at 8:21 AM, Jennifer Tate <jtate@wauwatoso.net> wrote:

Mr. Merker:

We will work to have a response to you by August 29. As you can imagine with the flooding a few weeks ago, the City is dealing with many requests at this time. I appreciate your patience.

Best,

Jennifer Tate

Get Outlook for iOS

From: Chris Merkle [REDACTED]
Sent: Friday, August 22, 2025 7:43:07 AM
To: Katie Sandoval [REDACTED]
Cc: Kayla Merkle [REDACTED] <kmerkle@wauwatosa.net> <jtate@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

One additional note of clarification: Kayla reminded me the original submission date was June 10.

On Aug 22, 2025, at 7:31 AM, Chris Merkle [REDACTED] wrote:

Hi Katie,

We first submitted documentation for our sprinkler system and yard-waste bin damage in late June, and our reconsideration letter was sent on August 4. You confirmed on August 14 that it was forwarded to Ms. Tate. Since then, we have received no further communication.

All documentation has been provided previously (photos, invoices, the completed form, and our August 4 letter), so nothing additional should be needed to reach a determination.

At this point, we need clarity. Please provide the City's written decision by Friday, August 29. If we do not hear back by then, we will proceed with other avenues, including a Wisconsin Public Records request and a small claims filing for the sprinkler repairs (\$700), the yard-waste bin, and water-waste costs.

We would strongly prefer to resolve this amicably and directly with the City, but the continued lack of response is not acceptable given the timeline. Please confirm receipt of this message and ensure our claims are under active review, so we understand whether the City intends to resolve this matter directly or whether we will need to pursue resolution through other channels.

Thank you,

Chris

On Aug 14, 2025, at 8:59 AM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Hi Chris,

Sorry, I've been out of the office.

Yes, it was forwarded to her. I will send her this e-mail as well.

Thanks,

Katie

From: Chris Merker [REDACTED]
Sent: Tuesday, August 12, 2025 5:34 PM
To: Katie Sandoval [REDACTED]
Cc: Kayla Merker [REDACTED]
Subject: Re: [External] Request for Replacement Yard Waste Container -- Damaged by Collection Crew
Follow-Up: Damaged Yard Waste Bin -- Reimbursement Request

Hi Katie,

I wanted to follow up on the email I sent last week for Ms. Tate regarding our sprinkler system and property damage claim. Could you confirm if it's been forwarded to her, and let me know if there's been any review or progress on the matter?

Given the time-sensitive nature of this claim, I'd appreciate any indication of when we might expect a response or next steps.

Thanks again for your help,

Chris

On Aug 4, 2025, at 6:27 PM, Chris Merker [REDACTED] wrote:

Hi Katie,

Please share the below letter with Ms. Tate at your earliest convenience and provide any follow-up or next steps as appropriate.

Thank you for your help.

Chris

Chris and Kayla Merker

[REDACTED]
August 4, 2025

Jennifer J. Tate
City Attorney
City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213

RE: Request for Reconsideration -- Sprinkler System and Property Damage Claim (\$700)

Dear Ms. Tate,

Thank you for your August 4 response to our claim for damages to our underground sprinkler system, which we submitted on June 10, 2025, along with full documentation and repair invoices. We respectfully dispute the City's denial of liability and request reconsideration on the following grounds:

1. Buried Language and Lack of Proper Notice

The clause cited in your response—purporting to disclaim liability for damage to private features in the public right-of-way—was embedded in fine print on the reverse side of a multipurpose notice. It was neither highlighted nor clearly separated from general information about sidewalk repairs. We were unaware of its implications at the time and had no reason to believe the City would conduct potentially damaging work without further communication.

In fact, when we revisited the notice after the damage occurred, it took reading the document three separate times before we even found the clause you referenced. That is not meaningful disclosure. The language fails to constitute a clear, knowing, and voluntary waiver of liability, particularly in the absence of any signed acknowledgment or opt-in consent.

2. No Reasonable Opportunity to Mitigate

Even if we had seen the disclaimer, we were given no mechanism or opportunity to protect our property. The City did not provide a date or even a time range for when construction would begin. As a result, we were unable to:

1. Notify crews of sprinkler line locations,
2. Mark or deactivate the system, or
3. Arrange for a private contractor.

We were not home at the time the work was performed, and by the time we returned, the damage had already been done—again highlighting the failure of timely and sufficient notice.

Furthermore, the "Private Contractor Option"—now cited by the City as the only liability-free alternative—was buried in dense text on the back of the letter, with no emphasis or visibility. At no point were we informed that failing to proactively hire our own contractor could result in unreimbursed property damage. This was not a meaningful choice and fails to meet any standard of informed consent.

3. Broader Pattern of Damage and Negligence

Our sprinkler system was not the only casualty. During the same construction window, City-contracted crews knocked over trees and damaged property throughout the neighborhood, including our yard waste bin, which we are also seeking reimbursement for.

More concerning, however, is the pattern of conduct. The initial damage to our sprinkler line—where a hose was visibly cut in half—should have served as a clear warning to the crew of the presence of a sprinkler system. Instead of adjusting or proceeding with care as they continued down the block, they appeared to act out of haste or disregard, continuing in the same careless manner.

We are also aware that the City had hundreds, if not thousands, of sidewalk repairs to complete in our neighborhood alone, and that the crews were working under significant time pressure. This urgency clearly came at the expense of caution and due diligence, contributing to a system-wide failure to prevent avoidable damage to private property.

We do want to acknowledge that sod was eventually placed where grass had been removed, and we appreciate that follow-up—though it took nearly two months to complete, finishing only last week. During that recent sod work, the crews did make room for the sprinkler heads to emerge from the new sod, showing a basic level of care and attention to their presence. This is important to note because the City has claimed it is not responsible for working around sprinkler systems—yet in this case, the crews clearly made an effort to do exactly that. The fact that they were able to take that precaution later reinforces that the original damage was avoidable, had the same level of attention been given during the June work.

4. Foreseeable Risk to Common Residential Features

The City's claim that it was unaware of the presence of a sprinkler system is not a valid defense. Sprinklers are standard in suburban residential neighborhoods, especially near sidewalk edges. The City and its contractors should have anticipated this possibility and conducted the work accordingly. No inquiry was made. No notice was given. And no precautions were taken.

5. Request for Reimbursement and Consideration of Water Waste

We therefore request that the City of Wauwatosa:

1. Reimburse us for the \$700 in sprinkler repairs,
2. Reimburse us for the damage to our yard waste bin, and
3. Acknowledge and compensate for the unnecessary water waste caused by the system's malfunction.

Following the damage, the sprinkler system likely leaked or malfunctioned, leading to wasted water and unnecessary utility cost. This waste was entirely preventable had the work been conducted with appropriate care or had we been given even minimal opportunity to prepare.

We sincerely hope to resolve this matter without escalation. Should the City decline to reconsider, we are prepared to pursue additional avenues for resolution, including third-party mediation or small claims proceedings.

Thank you for your time and attention.

Sincerely,

Chris and Kayla Merker

From: Katie Sandoval <ksandoval@wauwatosa.net>

Subject: RE: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Date: August 4, 2025 at 3:16:34 PM CDT

To: Chris Merker [REDACTED]

Cc: Kayla Merker [REDACTED]

Hi Chris and Kayla,

Please see the attached letter from the City Attorney regarding your sprinkler system.

When you complete the Notice of Circumstances of claim form for your garbage cart, please forward onto me.

Thank you,

Katie

From: Chris Merker [REDACTED]

Sent: Sunday, August 3, 2025 7:06 AM

To: Katie Sandoval <ksandoval@wauwatosa.net>

Cc: Kayla Merker [REDACTED]

Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Thank you, Katie, for your attention to this matter. Do you know when we can expect the payments to process?

Chris

On Jul 28, 2025, at 12:53 PM, Kayla Merker [REDACTED] wrote:

Perfect. Thank you.
Sent from my iPhone

On Jul 28, 2025, at 11:30 AM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

I can do each claim separately if that's ok with you.

From: Kayla Merker [REDACTED]

Sent: Monday, July 28, 2025 6:47 AM

To: Katie Sandoval <ksandoval@wauwatosa.net>

Cc: Chris Merker [REDACTED]

Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

I did not submit a receipt for the yard waste can because I haven't been able to find one. Do you need to wait to process the sprinkler reimbursement or can you proceed?

Kayla

Sent from my iPhone

On Jul 8, 2025, at 10:44 AM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Hi again,

Just wanted to make sure I also didn't miss the garbage can.

I have not seen that come through.
Thank you,
Katie

From: Katie Sandoval
Sent: Tuesday, July 8, 2025 9:13 AM
To: 'Kayla Merke' [REDACTED]
Cc: Chris Merke [REDACTED]
Subject: RE: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Thanks, Kayla. I received this one.
I will be in touch.

From: Kayla Merke [REDACTED]
Sent: Monday, July 7, 2025 4:23 PM
To: Katie Sandoval <ksandoval@wauwatosanet.net>
Cc: Chris Merke [REDACTED]
Subject: Fwd: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Sent from my iPhone

Begin forwarded message:

From: Kayla Merke [REDACTED]
Date: June 27, 2025 at 2:36:35 PM CDT
To: Katie Sandoval <ksandoval@wauwatosanet.net>
Cc: Chris Merke [REDACTED]
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Attached is my completed form.
<image001.jpg>
Sent from my iPhone

On Jun 24, 2025, at 6:28 AM, Kayla Merke [REDACTED] wrote:

Here are the two invoices for the sprinkler system.

Just to confirm, I need to complete form for both garbage can and sprinkler system? Should I go buy a new yard waste bin cause the one that is broken isn't fixable.

<image002.jpg>
<image003.jpg>
<image004.jpg>

<image005.jpg>

<image006.jpg>

Sent from my iPhone

On Jun 23, 2025, at 11:50 PM, Kayla Merker [REDACTED] wrote:

It is a very small world.

Can you please resend the form for me to complete? Also, I'm not able to repair the yard waste hardware, we just need a new one. So should I go purchase one then submit receipt?

Sent from my iPhone

On Jun 23, 2025, at 10:10 AM, Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Gosh, I'm sorry.

Also, small world. I used to babysit for the people who lived in your house. Have fun on your trip.

Katie

From: Kayla Merker [REDACTED]

Sent: Monday, June 23, 2025 10:05 AM

To: Katie Sandoval <ksandoval@wauwatosa.net>

Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow-Up: Damaged Yard Waste Bin – Reimbursement Request

Hi!

I will complete in the next day, currently traveling. This was first email, it was voicemail messages that I left and haven't received a response. So I requested the email.

Kayla

On Mon, Jun 23, 2025 at 9:59 AM Katie Sandoval <ksandoval@wauwatosa.net> wrote:

Good Morning Kayla,

I received your e-mail this morning. I am unsure why your other e-mails over the past couple of weeks did not reach us, and I apologize.

Moving forward, I will be your point of contact for your garbage cart claim and your sprinkler system.

I've attached a Notice of Circumstances claim form.

Can you please fill out the attached form and include any receipts from purchasing the hardware to fix the garbage cart? And can you also please resend the receipts for your sprinkler system? The files were too large and I could not open them. Once received, I will provide the information to the City Attorney. If easier, I can also call and explain this process to you – it can be confusing.

Thank you,

Katie Sandoval

From: Kayla Merker [REDACTED]

Sent: Monday, June 23, 2025 6:24 AM

To: tattorney@wauwatosa.net; Wauwatosa Public Works <dpw@wauwatosa.net>

Subject: Fwd: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew-
Follow Up: Damaged Yard Waste Bin – Reimbursement Request

Good morning,

I've reached out a few times over the past few weeks with no response. Two weeks ago, my yard waste bin was damaged during collection. It can no longer be wheeled, and the cover is no longer able to be attached. When I arrived home the wheel was in the container and the other components were broken. Also how did the cover end up on my neighbors driveway 50 feet away?

I am requesting reimbursement for the bin, which cost approximately \$50–\$60 and was purchased from the hardware store at 68th and Wauwatosa Avenue. I've attached photos for reference.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Kayla Merker


<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

From: Wauwatosa Public Works <dpw@wauwatosa.net>

Date: June 20, 2025 at 8:41:01 AM CDT

To: Kayla Merker <[REDACTED]> Wauwatosa Public Works <dpw@wauwatosa.net>

Subject: RE: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew

Kayla,

You can try tattorney@wauwatosa.net

Let me know if you have any questions.

Thank you,

Justin Ramsey
Department of Public Works
City of Wauwatosa
Office: (414) 471-8422
jramsey@wauwatosa.net

[Public Works](#) | [Ask the Waste Wizard](#) | [Submit a Service Request](#)

From: Kayla Merker [REDACTED]
Sent: Friday, June 20, 2025 8:33 AM
To: Wauwatosa Public Works <dpw@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container -- Damaged by Collection Crew

Do you have an email address for the attorney because they don't respond to voicemails.
Sent from my iPhone

On Jun 20, 2025, at 8:31 AM, Kayla Merker [REDACTED] wrote:

On Fri, Jun 20, 2025 at 8:12 AM Wauwatosa Public Works <dpw@wauwatosa.net> wrote:
Kayla,

Unfortunately, the Department of Public Works cannot help you with questions about your claim for damages against the city. The City Attorneys Office is the only place that can update you about your claim.

The Forestry Department has a list of all the branches and trees currently down in the city, as calls come in we add them to that list and it is triaged according to severity. Your branch is currently on the list so they will get to it as soon as possible.

Let me know if you have any questions.

Thank you,

Justin Ramsey
Department of Public Works
City of Wauwatosa
Office: (414) 471-8422
jramsey@wauwatosa.net

[Public Works](#) | [Ask the Waste Wizard](#) | [Submit a Service Request](#)

From: Kayla Merke [REDACTED]
Sent: Friday, June 20, 2025 6:50 AM
To: Wauwatosa Public Works <dpw@wauwatosa.net>
Cc: Wauwatosa Public Works <dpw@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew

Good Morning!

I'm hoping you can assist. I've the number below and left 3 messages with the attorney office and yet no reply.

I also called earlier in the week and reported a large branch down and no one has come to remove.

We had a few sidewalks replaced and our sprinkler system was badly damaged. The workers who did it told me they messed up and I need to report. I understand the city isn't responsible however this badly damaged was careless especially since the sprinklers were marked. As you can see by the invoice it was extensive damage. Who do I discuss this? Attached are invoices and images. I'm sure the branch that fell was due to the sidewalks because it happened to my other neighbors.

<image001.jpg>
<image002.jpg>
<image003.jpg>
<image004.jpg>
<image005.jpg>
<image006.jpg>
Sent from my iPhone

On Jun 13, 2025, at 8:26 AM, Wauwatosa Public Works <dpw@wauwatosa.net> wrote:

Good Morning Kayla,

Thank you for the response. The next step would be contacting the attorney's office to file a claim. Please call: 414-479-8905.

Please let us know if we can assist further.

Lara Perrone
Department of Public Works – Office Assistant
City of Wauwatosa
Office: (414) 471-8422

[Public Works](#) / [Ask the Waste Wizard](#) / [Submit a Service Request](#)

From: Kayla Merker [REDACTED]
Sent: Friday, June 13, 2025 7:00 AM
To: Wauwatosa Public Works <dpw@wauwatosa.net>
Cc: Wauwatosa Public Works <dpw@wauwatosa.net>
Subject: Re: [External] Request for Replacement Yard Waste Container – Damaged by Collection Crew

I apologize for not getting back to you sooner, I was waiting on my neighbor and then it was the craziness of the last day of school.

My neighbors camera didn't capture any footage, probably too far away. How can we proceed with replacing the yard waste container?

Kayla

Sent from my iPhone

On Jun 11, 2025, at 10:29 AM, Kayla Merker <[REDACTED]> wrote:

It will be awhile as our neighbor is now at a graduation.

Sent from my iPhone

On Jun 11, 2025, at 10:22 AM, Wauwatosa Public Works <dpw@wauwatosa.net> wrote:

Good Morning Kayla,

Thank you for sending this information. I will be contacting the yard waste crews supervisor to review further. Are you able to send the ring doorbell footage?

Lara Perrone
Department of Public Works – Office Assistant
City of Wauwatosa
Office: (414) 471-8422

[Public Works](#) / [Ask the Waste Wizard](#) / [Submit a Service Request](#)

From: Kayla Merker [REDACTED]
Sent: Wednesday, June 11, 2025 10:13 AM
To: Wauwatosa Public Works <dpw@wauwatosa.net>

Cc:Chris Merke [REDACTED]

Subject:[External] Request for Replacement Hard Waste Container – Damaged by Collection Crew

Dear Wauwatosa Sanitation Department/City Services,

I'm writing to report damage to [REDACTED] container during recent pickup at my residence, [REDACTED]. The container's wheel was broken off and misaligned, and the lid was found thrown into my neighbor's driveway. My neighbors captured this on their Ring camera, which shows the sanitation worker throwing the lid.

This container was purchased approximately two years ago for around \$65 from the hardware store at 68th and Wauwatosa Avenue. The damage is unacceptable, and I am requesting a replacement container due to the mishandling by the city's collection crew.

Photos of the damage are attached. Please let me know the next steps for replacement.

Thank you,

Kayla Merker

414.399.3319

<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

<Chris and Kayla Merker - sprinkler system.pdf>

<Attachment to letter - Merker.pdf>

<Merker response August 28 2025.pdf>

<Notice of Circumstances of Claim Form June 2017.docx>

-
- **Exhibit D: Water bill estimate**

We are estimating a 10% overage on the water bill from the damage to our sprinkler system, based on a annual consumption comparison in the attached water bill. Total claim: \$76.16

