

CITY OF MANITOWOC CLAIM FORM

NOTICE OF CIRCUMSTANCES (§893.80(1d)(a) Wis. Stats.)

NAME Jim & Deb Vandenhouten TELEPHONE NUMBER ^{Deb} (920) 323-0759
ADDRESS 2304 S. 13th (Street) ^{Jim} (920) 973-9617
OF CLAIMANT Manitowoc, WI 54220 (City, State, Zip Code) **RECEIVED**
EMAIL (optional): jimdebv@gmail.com SEP 16 2022

CITY CLERKS OFFICE

CIRCUMSTANCES OF CLAIM: Describe the circumstances of your claim below and attach additional sheets if necessary (who, what, where, when and how). For auto/property damages, attach a copy of the police report, if any; and a diagram of the accident scene including north, south, east or west. For personal injury, indicate the nature of the injury; if medical attention was given, the name of the physician/immediate care/hospital. List the names and addresses of any witnesses to the incident/accident. Give details.

RECEIVED

Incident/Accident Information:

Date July 25, 2022 Place just NORTH of 2304 S. 13th ^{SEP 16 2022}
Time 2 solid weeks of not being connected to the main. Under Dueno Street **CITY ATTORNEY**

Circumstances of Claim (Attach additional sheets if necessary):

We discovered through a video camera in drainage pipe that the lateral pipe was no longer connected to the main. Upon excavation, the crews from Luisier Plumbing and Bob Braun Excavating discovered that the lateral had a pocket of no ground/rock/dirt/^{backfill} underneath. The lateral pipe had sagged without that support causing it to split and be completely broken ^{in two places.} See attached report and photos from Luisier Plumbing.

Witnesses (names and addresses):

Chad Korte from Luisier Plumbing
Bob Braun - Excavator
Bill Jindra - City of Manitowoc consulted via telephone and he inspected the problem on 7/25/22

Procedure for filing claims:

1. In most instances, a signed **Notice of Circumstances of Claim** must be served on the City within 120 days after the happening of the event giving rise to the claim or it will be barred by State Statute.
2. A **Claim** must be filed with the City Clerk, City of Manitowoc, 900 Quay Street, Manitowoc, WI 54220, containing the claimant's address and an itemized statement of the relief or damages sought. This is the bottom portion of the form entitled "Claim Form." No action will be taken until this portion is completed and submitted to the City.
3. The City Attorney and or CVMIC (the City's liability insurance carrier) will then determine if your claim should be paid, compromised or disallowed. You will be notified by letter should the City determine to pay or compromise your claim. The City Attorney has the authority to pay, settle, or disallow claims up to \$5,000. Claims exceeding \$5,000 will be reviewed by the City's Finance Committee, who will present a final recommendation to the Common Council.
4. This procedure is established by Wisconsin Statutes to provide a mechanism for persons to recover damages in the event a municipality is responsible for an incident. This procedure is also designed to protect the municipality and its taxpayers from having to pay out inappropriate and/or nuisance claims.

This document does not constitute legal advice and should not be substituted for the advice of private legal counsel. Claimants have the right to retain an attorney of their choice to assist them with filing a claim solely at their own cost and expense.

Claimants are encouraged to review Wis. Stat. § 893.80 prior to filing a claim.

CLAIM FORM (§893.80(1d)(b) Wis. Stats.)

After filing a Notice of Circumstances of claim with the City of Manitowoc you must also file a claim **itemizing** the relief sought (what you want from the City or do not want the City do to). You may file a claim at any time consistent with the applicable statute of limitations. Provide copies of any bills supporting the amount of the claim. For claims involving auto/truck/property damage, please attach two estimates. If the relief sought is non-monetary be as detailed and/or descriptive as possible.

The person signing below makes a claim against the City of Manitowoc arising out of the circumstances above-described. The claim is for relief in the form of money damages as indicated below, and non-monetary relief as follows:

Auto/truck \$ - 0 - Personal Injury \$ - 0 -
 Property \$ _____ Other (specify) \$ 9,679.87 ✓

for all expenses incurred to find problem and repair broken lateral pipe connection to the main sewer line.

Sign and then click Submit Form button below to submit to the City Clerk's Office.

Signed Debra S. Vandenhouten

SUBMIT FORM

2304 S. 13th Street
Manitowoc, WI 54220
September 16, 2022

Office of the City Clerk
City Hall Building, Manitowoc

To the members of the committee:

We are homeowners in Manitowoc who encountered two events of sewer backup into our home which led to the discovery of an issue with the lateral pipe leading into the sewer main.

Our first event of sewer backup occurred on Monday, June 20th. We had water coming from two floor drains of our basement. We called Luisier Plumbing and the technician came to clean out the drain with the sewer machine. He recommended having our sewer line looked at with the camera due to having difficulty bringing the line back. We made that appointment which was scheduled at the end of July.

Our second backup occurred on Saturday, July 9th when we again had water coming from both basement floor drains. We called Luisier Plumbing and they again used their sewer machine to clean out the pipe. They determined that the pipe must be damaged and advised us to drain as little water as we could. Luisier Plumbing returned on Monday, July 11th with camera equipment. They went out as far as their cable allowed, and did not yet see the problem. More cable was added so they could send the camera out to the main. At that time they could see the black ABS lateral pipe was collapsed and filled with clay soil and rocks.

They advised us at that time to no longer use any of our drains. We stopped using all of our indoor plumbing for the next two weeks. In the meantime, Luisier Plumbing was lining up the other companies needed to cut through the street and excavate.

On Monday, July 25 the crews of Seiler Brothers and Bob Braun Excavating came to open the street and excavate. They discovered two breaks in the lateral pipe approximately 3 feet apart. That section of pipe had collapsed into a sinkhole over the storm sewer ditch. The pipe was broken in two places indicating the lack of support (ground) underneath and around the pipe to distribute the load on the pipe. The pipe was stressed at the two spots, which caused the two cracks and subsequent collapse. See pictures included in this claim.

The city's installation of the ABS lateral pipe failed. This failure was beyond our control as the homeowner. We are asking for the city to cover the bills we incurred for this issue. Thank you for your time and consideration in this matter.

Respectfully submitted,

Jim and Deb Vandenhouten

4623 Goodwin Road
P.O. Box 155
Manitowoc, WI 54221-0155

LUISIER PLUMBING

"FULL SERVICE PLUMBING"

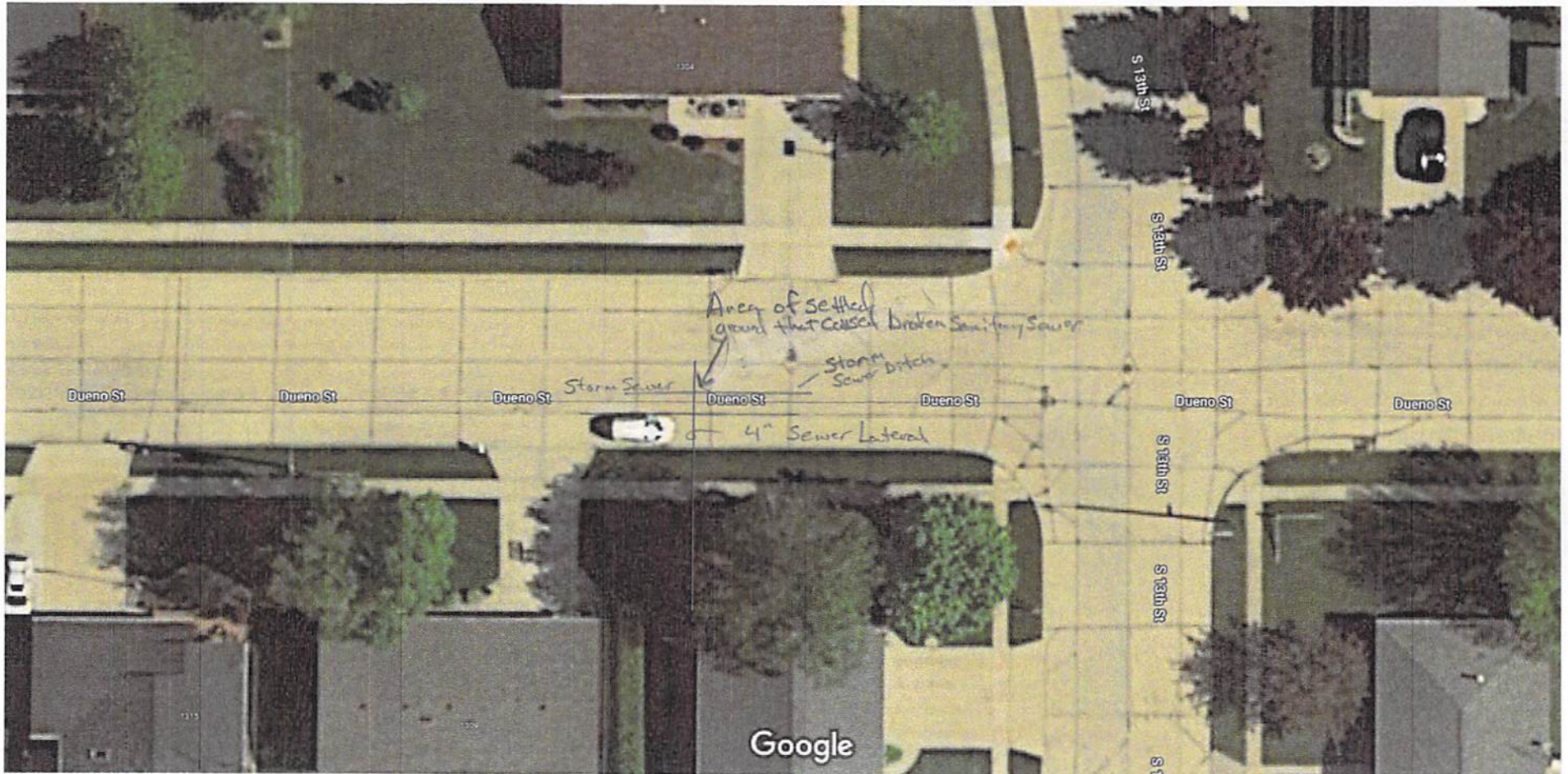
Phone: (920) 682-3666
Fax: (920) 682-3754
www.luisierplumbing.com

JIM AND DEB VANDENHOUTEN
2304 S 13TH ST
MANITOWOC, WI 54220

RE: REPAIR OF SEWER LATERAL

After concrete had been removed and excavation had started, we came across a sink hole directly over the storm sewer ditch where the sewer lateral crosses perpendicular over the top of storm sewer. When excavating down to sewer lateral it was clear that the storm ditch had settled and sewer lateral had broke on each side of the excavation ditch that had been dug for the storm sewer. The broken sewer lateral is what caused the sink hole and probably had been partially broken for a while but had not cause and issue until it had settled enough to totally offset pipe to point where it could not pass any solids. The sewer lateral piping on north and south of storm sewer ditch is pitched correct and had just broken from weight of ground on top pushing down from settling where storm sewer had been dug when installed.

Chad Korte



Map data ©2022, Map data ©2022 20 ft







LUISIER PLUMBING INC

4623 GOODWIN ROAD
 PO BOX 155
 MANITOWOC WI 54221-0155

(920) 682-3666
 FAX (920) 682-3754

BILL TO:

JAMES & DEBRA VANDENHOUTEN
 2304 S 13TH ST
 MANITOWOC, WI 54220

INVOICE

DATE Invoice #
 6/22/2022 27062

pd 7/8/22
9071
Assoc Bnk

Work Order#: C24349

WORK SITE:

P.O. NO.		PROJECT		REP	TERMS	DATE DONE
				AE	Due on receipt	6/20/2022
QTY	ITEM	DESCRIPTION	U/M	PRICE EACH	AMOUNT	
		WATER COMING UP FROM FLOOR DRAINS FROM WASHING MACHINE				
		6/20/22 SEWER MAIN BACKED UP. RAN SEWER MACHINE OUT 75'. TESTED WITH WASHER AND TOILET. COULDN'T GET CABLE BACK WITHOUT PUTTING MOTOR IN REVERSE. MAY WANT TO CAMERA.				
1	ECSEWERMACH	DRAIN CLEANING EQUIPMENT SEWER MACHINE		120.00	120.00	T
1	TC1	TRIP CHARGE		12.00	12.00	T
1	LABOR ESC	EMERGENCY SERVICE CALL		165.00	165.00	T
		Subtotal			297.00	
		Sales Tax		5.00%	14.85	

Total \$311.85

Payments/Credits \$0.00

1 1/2% Finance Charge On Unpaid Balance	Balance Due	\$311.85
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LUISIER PLUMBING INC

4623 GOODWIN ROAD
 PO BOX 155
 MANITOWOC WI 54221-0155

INVOICE

DATE Invoice #
 8/31/2022 27560

(920) 682-3666
 FAX (920) 682-3754

Work Order#: C24493

BILL TO:

JAMES & DEBRA VANDENHOUTEN
 2304 S 13TH ST
 MANITOWOC, WI 54220

WORK SITE:

P.O. NO.		PROJECT	REP	TERMS	DATE DONE
			RS	Due on receipt	7/25/2022
QTY	ITEM	DESCRIPTION	U/M	PRICE EACH	AMOUNT
		<p>*** SEWER BACKING UP****</p> <p>7/9/22 RAN 4" KNIFE IN MAIN CLEAN OUT. HIT BLOCKAGE @90FT. FEELS LIKE PIPE IS SMASHED AND NEEDS CAMERA AND LOCATE AS SOON AS POSSIBLE. SEWER NORTH WEST SIDE OF HOUSE HEADED NORTH WEST TO DUENO ST.</p> <p>7/25/22 RAN CAMERA OUT-BLOCKED ON VERTICAL TO MAIN. RAN JETTER, RAN SEWER MACHINE. WATER WENT DOWN. A LOT OF MUD AND ROCKS IN PIPE. SENT VIDEO TO JAMES. 4" ABS BROKEN IN 2 SPOTS AND ANGLED WAY DOWN. SEILER BUSTED UP CONCRETE AND BOB BRAUN DUG IT UP. SEWER WAS BROKEN OVER STORM SEWER DITCH. RAN LOTS OF WATER AND RAN CAMERA THRU . ALL GOOD. BACKFILLED WITH STONE AND SLURRY.</p>			
1	ECTV	TV INSPECTION SYSTEM CAMERA		120.00	120.00
1	ECJET	PIPE JETTER		60.00	60.00
1	ECSEWERMACH	DRAIN CLEANING EQUIPMENT SEWER MACHINE		120.00	120.00
7	PPVC4 4	PVC SCH 40 PIPE 4"	ft	5.46409	38.25
2	FE1056-44	FERNCO CI/PL-CI/PL COUPLING 4"		8.80817	17.62
1	SUBCONTRACT	SEILER BROS CONSTRUCTION	ca	500.00	500.00

Total

Payments/Credits

1 1/2% Finance Charge On Unpaid Balance	Balance Due
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LUISIER PLUMBING INC

4623 GOODWIN ROAD
 PO BOX 155
 MANITOWOC WI 54221-0155

(920) 682-3666
 FAX (920) 682-3754

INVOICE

DATE Invoice #
 8/31/2022 27560

Work Order#: C24493

BILL TO:

JAMES & DEBRA VANDENHOUTEN
 2304 S 13TH ST
 MANITOWOC, WI 54220

WORK SITE:

P.O. NO.		PROJECT		REP	TERMS	DATE DONE
				RS	Due on receipt	7/25/2022
QTY	ITEM	DESCRIPTION	UM	PRICE EACH	AMOUNT	
1	SUBCONTRACT	CITY OF MTWC - RIGHT OF WAY EXCAVATION	ca	90.00	90.00	
1	SUBCONTRACT	SUBCONTRACTOR BOB BRAUN EXCAVATING	ca	4,291.90	4,291.90	
1	SUBCONTRACT	SUBCONTRACTOR R. & J. FRICKE	ca	711.00	711.00	
1	TC1	TRIP CHARGE		12.00	12.00	
1	LABOR ESC	EMERGENCY SERVICE CALL		165.00	165.00T	
0.5	LABOR OT	LABOR OVERTIME		165.00	82.50T	
5.5	ASSISTANT	ASSISTANT		15.00	82.50T	
26.5	LABOR	LABOR		110.00	2,915.00T	
		Subtotal			9,205.77	
		Sales Tax		5.00%	162.25	

Total \$9,368.02

Payments/Credits \$0.00

1 1/2% Finance Charge On Unpaid Balance	Balance Due \$9,368.02 ✓
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