

Steve Corbeille

From: Kathleen McDaniel
Sent: Monday, February 23, 2015 5:25 PM
To: Steve Corbeille
Cc: Eric Sitkiewitz - D6
Subject: FW: Howe v Manitowoc: DOL: 3-13-14

Steve,

Could you please place this item on the next Finance Committee agenda? I had CVMIC review the claim because I had to recuse myself. The Finance Committee will need to make a final determination as to the amount.

Kathleen M. McDaniel

City Attorney, City of Manitowoc
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From: Tom Mann [<mailto:tem@cvmic.com>]
Sent: Monday, February 23, 2015 4:12 PM
To: Kathleen McDaniel
Subject: Howe v Manitowoc: DOL: 3-13-14

Kathleen

I am in receipt of the above claim that has been filed against the City of Manitowoc in the amount of 5,700. The claimant has indicated that he incurred damages as a result of a broken pipe.

Municipalities are held to a standard of reasonable care and the courts have determined that reasonable care means to take corrective action within a reasonable amount of time once there is notice of problem. In addition, municipalities must do periodic inspections. It is my understanding that the City had no prior notice for a problem in the area and that the first time they were aware of this situation was when the permit was pulled. In addition, this area was televised in 2008 and there was no indication of a broken pipe. As such, it is my opinion that the City is meeting the burden of reasonable care and I would therefore recommend that this claim be denied.

In addition, it appears as though this damage was between the main and the claimants property and that is the responsibility of the property owner to maintain and not the City.

If you have further questions regarding this, please feel free to contact me.

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