

L 21-80122

CITY OF MANITOWOC CLAIM FORM
NOTICE OF CIRCUMSTANCES (§893.80(1d)(a) Wis. Stats.)

NAME Bridgeview Bar TELEPHONE NUMBER 920-905-4500

ADDRESS 2 Maritime Dr. (Street)

RECEIVED

OF CLAIMANT Manitowoc, WI 54220 (City, State, Zip Code) **AUG 12 2021**

EMAIL (optional): homesfromkaren@yahoo.com **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 7/14/21 **AUG 12 2021**

Place Basement @ 2 maritime Dr.

Time _____ **CITY ATTORNEY**

Manitowoc, WI 54220

Circumstances of Claim (Attach additional sheets if necessary):

During the night of 7/14/21 the Manitowoc City Storm Sewer backed up into the basement @ 2 maritime dr. resulting in 32" of water in basement and sewage. Everything in our basement has been thrown out I have photo's. Our hot water heater is shot our 2 furnaces are shot our walk in cooler is running but not running correct. The clean up was costly. I have added a list of all expenses along with bills that I have as of now. If our city sewer cant keep up with 8" of water there is a problem.

Witnesses (names and addresses): that needs to be addressed.

Karen Schroeder 21410 So. 20th St. Mtwc. WI 54220

Paul Vanderbloomen 2224 N. rapids Rd. Mtwc. WI 54220

Stacey Vanderbloomen " SAME AS ABOVE "

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 \$ <u>N/A</u>	Personal Injury \$ _____
Property \$ <u>23,820⁰⁰</u>	Other (specify) \$ _____

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

Signed Karen C. Schroeder

SUBMIT FORM

List of Service Bills

Walk in Coole Service (Running but not properly)
(photo's) \$340⁰⁰

5- Dumpsters (pozorski Hauling) \$60⁰⁰ ea = \$300⁰⁰

Have duct work Cleaned per Lakeshore Heating

(Clean up people) \$800⁰⁰

2 guys 48 hrs ea. @ \$25⁰⁰ per hr. \$2400⁰⁰

Myself 80⁰⁰ hrs @ 25⁰⁰ per hr = \$2000⁰⁰

Supplies

gloves, fans, Bleach, Water, Utilities
have receipts and Bills New dehumidifier
and pump, Squeegie, Rags, \$880⁰⁰

Total: \$6,720⁰⁰

List of Items Lost

1 - Dehumidifier = \$ 280⁰⁰

Buffalo China Dishes = \$ 500⁰⁰

10 cylinders = $10 \times 30^{00} = \$ 300^{00}$

Antique Bumper pool table = \$ 500⁰⁰

Power Board for outside = \$ 500⁰⁰

X-mas Decorations \$ 400⁰⁰

furniture (old) chairs \$ 500⁰⁰

Water Heater \$ 900⁰⁰ (Bill enclosed)

2 furnaces still under Warranty \$ 13,200⁰⁰ (Estimate enclosed)

Total: \$ 17,100⁰⁰

TIM NATE PLUMBING

Materials & Labor Work Sheet

Job Name: Bridgeview Bar Date: 7-19-21

Address: _____

Labor: 3-hours

Materials: _____

1-40 gal nat Gas Shunt from Monarchs	\$ 495.00
2- 3/4" female adaptors	9.60
2- 3/4" couplings	3.60
2- 3/4" copper	5.20
1- 3" galvanized chimney vent	2.00

\$ 515.00

materials	515.00
Aaron & Jacob 3 HRS labor	270.00

\$ 785.00

+ 135.00

\$ 920.00

Insurance
or
City of MANITOWOC
3



9622 US Highway 10 Cato, WI 54230-8559
Phone: (920) 683-3967
E-mail: 1lakeheat@gmail.com
Website: lakeheat.com

August 9, 2021

Bridgeview Bar
2 Maritime Drive
Manitowoc, WI 54220
Karen Schroeder - (920) 905-4500

Note, the furnaces are only 33" tall, the water damage level was over 36", the north furnace was completely under water and the south unit over 24" under water.

This is only an update to keep you current on your HVAC system. Due to the water damage to the system, as per state code, your building insurance, health, and safety regulations upgrading to new systems is required, the existing furnaces can not be repaired

If a new furnace is scheduled for installation by Lakeshore Heating, we will install temporary furnaces at no charge until the replacements can be scheduled.

The existing furnaces (TG9S100C16MP11, W1M3232362) and (TG9S100C20MP11, W1K3088181) furnaces are only 7 years old and are not safe to operate.

The following replacement parts/controls are needed due to the water damage to the equipment: The north furnace was completely under water and is beyond repair. The south furnace was 24" underwater and is also not safe to operate.

Note, enclosed is a parts and labor breakdown (example only). Please note rebuilding the furnaces is not an option, the cost to rebuild each furnace is \$4,381.00.

1. The furnaces need new stainless-steel burners, dedicated ignitor wiring harness, and an upgraded system would cost:

Materials	\$275.00 each
Labor	<u>\$176.00</u>
Total	\$451.00

2. O.E.M. electronic ignition gas valve. Materials \$245.00 & Labor \$176.00 each
3. High-limit fan control. Materials \$78.00 & Labor \$88.00 each
4. Blower motor direct drive 3-speed O.E.M. with capacitor. Materials \$289.00 & Labor \$176.00 each
5. Blower wheel complete assembly. Materials & Labor \$236.25 each
6. Electronic H.S.I. ignition board. Materials \$223.00 & Labor \$132.00 each
7. Pressure switch control. Materials \$110.00 & Labor \$88.00 each
8. The inducer ventor motor O.E.M. complete sealed assembly. A factory brand new ventor motor cost is \$385.00 with a 1-year parts and labor warranty. Labor to replace is \$132.00. each
9. High-temperature pan/gasket assembly. Materials \$159.75 & Labor \$132.00 each
10. Transformers. Materials \$89.00 & Labor \$88.00 each
11. Primary/secondary heat exchangers Materials \$575.00 & Labor \$528.00 each

If Lakeshore Heating is okayed for the project, we will keep the existing heating system operating. If parts or labor would be necessary, it would be at no charge until we can get you on our replacement schedule.

Two Luxaire Variable Speed Luxaire single-stage 96% high efficiency furnaces TM9E 100/16 and 100/20, these are exact replacement models. P.V.C. sealed combustion venting, ductwork and fittings, gas line main supply, state certified pressure test, gas service, gas line and fittings, drain hose to floor drain, 24-volt wiring, permits if needed. Reuse I.A.Q. Trion air filtration system included with 3 additional filters.

Materials & Labor \$6,600.00 ^{each} x 2 = \$13,200 ⁰⁰

Note, line voltage to be provided by the owner's licensed electrician or Lakeshore Heating can reach out to Schnell Electric at (920) 323-9012.

Optional - due to the water damage we would highly recommend a whole house duct cleaning as soon as possible before the new furnaces are installed. For a free quote, call Quality Aire at 686-1020. Ask for Don Strohm, owner, and let him know Zip recommended him.

We would recommend reaching out to a weatherization company and restoration companies for ideas and proposals for insulation and ventilation options and water damage solutions, mold, mildew, bacteria, and indoor quality air solutions. Operating the "fan on" will help balance out the air flow and weatherization also will help out. For more information go to <https://focusonenergy.com/>.

Prices are guaranteed for 30 days. To be paid in full upon project completion.

*Note, state law in Wisconsin requires that a carbon monoxide alarm must be installed on each level of all one- and two-family residences, having any fuel burning appliance, fireplace or attached garage.

HVAC BILLING SUMMARY

Luxaire Furnace System -

2- Furnaces with TM9E	<u>\$ 6,600.00</u>
Total Cost	\$ 6,600.00

Please read through the enclosed literature. If the insurance company or anyone has any questions about this estimate, please contact Lakeshore Heating Office Manager Nikki Behrmann at (920) 683-3967.

Your Professional Heating Contractor,

Dale Zipperer

Dale Zipperer, Owner
Lakeshore Heating & Sheet Metal, LLC

To Whom it may Concern.

I am very disappointed in how our city responded to the city sewer back up on the night of July 14th.

I was told by several people with the city that this was a act of god. No this is devastating to all the businesses that had sewer back up on there property on July 14th.

If you want to call it a act of god that's fine but our city should have insurance for when your sewer that runs through our property backs up and these acts of god happen.

If our city storm sewer can't keep up with 8" of water we have a problem this should not happen then days later you dump gallons and gallons into the lake ??

If the city doesn't have the financing to help the people that lost on this day maybe Mayor Nickles could contact FEMA they have billions of dollars just for these incidents.

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 MENU

Property Damage from Sewage Backup: Legal Options, Advice and More

Property Damage from Sewage Backup: Legal Options, Advice and More

Having sewage backing up into your basement and on your property is the type of disaster that no homeowner or business owner ever wants to face. Unfortunately, these types of things can and often do

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a disgusting mess on your hands and potentially
s of material possessions, your
property could experience substantial — and costly —
damage.

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If you have property damage as the result of a sewage backup, a fast response is vital. The quicker you act, the more you will be able to mitigate the damage and get things back to normal. A quick response is also crucial when it comes to determining who is liable for the incident and recovering your losses. Since sewer systems are owned and operated by municipalities, you may be entitled to compensation from your county, city, township or other local municipality.

Let's take a closer look at your legal rights and what you need to do when you have property damage resulting from sewage backup.

remedy the situation. For most people, this means
Contact your insurance company. Log In



It is a good idea to check your policy before disaster strikes, however, to determine whether you are covered. Many insurance policies have “water exclusions” that apply to sewage backup. In other words, even if you have good homeowner’s or commercial property insurance, it is likely that damages occurring as the result of a sewer backup are not covered. If you do not want to get stuck holding the bill, you need to know your legal rights.



Questions about water backup coverage? Effective Coverage can help!

Relief and Compensation

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however, he contracted to an independent operator. If property damage as the result of a damaged or faulty sewer system, you may be entitled to relief and other financial compensation.

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Based on the principles of eminent domain, you may be permitted to file a claim against the municipality when a sewage backup causes damage to your property through no fault of your own. Because the sewage system runs through your private property, you are entitled to compensation if a problem with the system results in damage to your property. Sewage backups, leaks, overflows, ruptured pipes and even excavation on your property may make you eligible for compensation.

It is important to note, though, that you are only eligible to receive “just compensation” — a reasonable amount of monetary compensation. You can only claim the amount necessary to cover expenses associated with lost usage and repairing your damaged property. If you become ill as the result of exposure to raw sewage, you may also be able to recover damages to cover the cost of your medical treatment.

What About Incidents Causing Severe Damage?

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Before filing a nuisance claim, make sure the damage

You will need to prove the damage

in a court of law, so the more evidence you have, the better. Record videos and take pictures of the damage. Save receipts for anything you had to purchase to rectify the problem and write down your personal account of the incident. You may also want to get written accounts from members of your family, employees, customers and anyone else who was impacted by the problem. Obtain names, phone numbers, and addresses for any witnesses. If your health has been impacted, get copies of medical reports and bills.

Once you have all this information, look for attorneys specializing in sewage backup claims. [Lawyers with knowledge of stormwater lawsuits](#) can help, too.

Because receiving compensation for nuisance claims can be extremely difficult, representing yourself in this type of case is not advised. The laws governing the maintenance and repair of sewer systems vary by region, and an experienced attorney can help you better understand your rights and get you the relief you need.

In Conclusion

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help you?

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Take Away Foods

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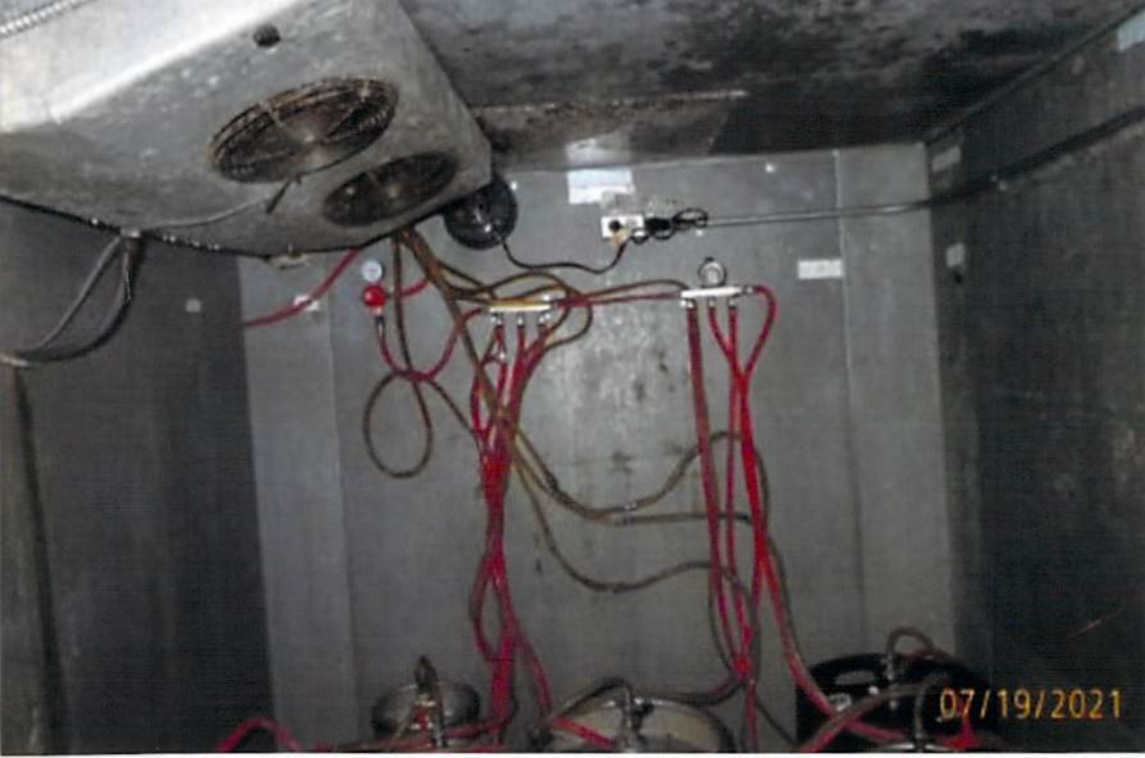




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Sewage backup poses a serious threat to your health and causes significant damage to homes

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and commercial properties. Because most insurance policies do not cover this type of damage without an endorsement, understanding your legal rights is extremely important when it comes to receiving compensation for this type of incident and its consequences.

When disaster strikes, be sure to carefully document the damage and keep track of any expenses you incur. Talk to an experienced attorney to find out more about the laws in your area and your rights as a property owner. There are often short limits to the amount of time you have to file a claim, so consult with an attorney as quickly as possible. If you do not file a notice of claim within six months or one year of the harmful sewage backup or stormwater flooding incident, you will be legally barred from filing a subsequent lawsuit against the offending municipality, county or state government.