



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org



January 3, 2020

TO: Finance Committee

FROM: Kathleen M. McDaniel, City Attorney

RE: Erdman Claim for Hedge Damage

Marianne Erdman filed a claim against the City alleging that her hedge was damaged when City workers and contractors trimmed it back to the right-of-way (ROW) to improve vision in the alley behind her home. Ms. Erdman initially filed a notice of claim, but subsequently amended her claim to be a full claim, including a demand for relief in the amount of \$3,000-\$6,000. I informed Ms. Erdman that because the amount exceeds \$5,000, I needed to have Finance Committee act on the claim pursuant to our claims policy.

The Department of Public Infrastructure provided me with photos of the hedge before and after trimming, which are attached. The Assistant City Attorney and I have also inspected the hedge personally. The hedge does not appear to be dead, and it is the professional opinion of the City Arborist, Al Rehme, and the Operations Division Manager, Chad Scheinoha, that the hedge will once again be green within the next year or two. Furthermore, it's their professional opinion that the trimming done by their department did not kill or damage the hedge.

Based on the fact the hedge was impeding into the ROW and there appears to be no permanent damage to the hedge, I am recommending denial of the claim.

Hedge before trimming



Hedge after trimming

