L19-00115

## CITY OF MANITOWOC CLAIM FORM

DEC 02 2019

NOTICE OF CIRCUMSTANCES (§893.80(1d)(a) Wis. Stats CLERKS OFFICE Marianne Erdman NAME TELEPHONE NUMBER 920-684-1365 856 North 13th St ADDRESS (Street) OF CLAIMANTManitowoc WI 54220 (City, State, Zip Code) EMAIL (optional): CIRCUMSTANCES OF CLAIM: On the reverse side, describe the circumstances of your claim 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 Incident/Accident Information: 8/8/19 856 North 13th St. Date 11:00 am Manitowoc WI Time DEC 03 2019 (Circumstances of claim and witnesses on reverse) CITY ATTORNEY Signed **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 \$ Personal Injury \$ Other (specify) & Property Damage \$3,000, -\$6,000.00 Property: \$ Date 11-29-19 Signed: Address: (City, State, Zip Code)

Circumstances of Claim (Attach additional sheets if necessary):
The city owes us a new hedge for damages done on August 8, 2019 to existing hedge on our property at 856 North 13th St.
After meeting with the alderman on June 5, 2019 they all agreed the property owner should just trim the trees but not butcher them and we did trim as requested.
Chad Shenola was to work with us and he never did contact us all of a sudden on August 8 they (Alvin + crew) said he had a work order to cut these trees.
The city made a mistake otherwise why would you meet with aldermen if the end result was going to have the hedge butchered
All you need to do is listen to the last 5 minutes of that meeting on June 5th- To follow are a few comments from aldermen
Howe says the way Chad talks if its good with the city if the Lochmanns could clean it up as far back as
they could without harming the trees to satisfy as best we can. Brey agres with him. I think if they are
well maintained and doesn't create a problem especially for trafffic and our employees that plow and
maintain that area I have no problem with them remaining at least for now. I don't see any
convincing evidence to remove or butchcer them 1/2 way.
Witnesses (names and addresses):

## 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.