City of Stoughton, 381 E. Main Street, Stoughton WI 535898

RESOLUTION OF THE FINANCE COMMITTEE			
Authorizing and directing the proper city official(s) to pay the claim of Mary Erickson			
Committee Action:	Recommend Denial 4-0 with Olson voting		
Fiscal Impact:	$405.00		
File Number:	R- 7-2011	**Date Introduced:**	February 8th, 2011

WHEREAS, a claim has been filed against the City of Stoughton by Mary Erickson, 102 North Prairie Street, Stoughton WI, 53589 for damages in the amount of $405.00 and

WHEREAS, the claim involved a sewer back up at the residential property listed above on January 3, 2011 and

WHEREAS, your insurance carrier, CVMIC has reviewed all the circumstances of the claim and has recommended the claim be disallowed as the City of Stoughton has a well established maintenance and inspection program which allows the City to meet the standard of care required and is unable to control what other parties may put into the sewer system, and

WHEREAS, your Finance Committee met on January 25, 2011 to consider the claim and recommends the determination of CVMIC be sustained and the claim be denied, now therefore

BE IT RESOLVED by the Common Council of the City of Stoughton that the proper city official be hereby authorized and directed to pay the claim for Mary Erickson in an amount of $405.00.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Donna Olson, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

FINANCE COMMITTEE MEETING MINUTES
January 25, 2011 – 5:30 p.m.
City Hall, Hall of Fame Room

Present:
Alderpersons Steve Tone, Erik Olstad and Paul Lawrence.

Others Present:
Finance Director/Treasurer Laurie Sullivan, Mayor Donna Olson, Deputy Treasurer Julie Roberts, Planning Director Rodney Scheel and City Clerk Personnel Director Kelly Michaels.

Absent and Excused: Ross Scovotti.

Call to order:
Finance Chair Tone called the meeting to order at 5:30pm.

Mary Erickson Sewer Claim:
CVMICs recommendation was to deny. Moved by Lawrence, seconded by Olstad to recommend Council deny the Mary Erickson claim. Motion carried 4-0 with Mayor Olson voting.

Maria Hougan

From: Tom Mann [tem@cvmic.com]
Sent: Monday, January 10, 2011 10:54 AM
To: Maria Hougan
Subject: ERickson v Stoughton; DOL:1-03-11

Pili

I am in receipt of the above claim that has been filed against the City of Stoughton in the amount of 705.00. It is my understanding that the claimant has alleged damages as a result of a sewer backup. As you are aware, sewer backups are specifically excluded from coverage under Section VII (1) and as such, there is no coverage for this claim or any other claims from this incident.

However, I would suggest that you check to see if the City is complying with their established maintenance program and when the last time this area was inspected. If there was no prior notice of a problem and the City is complying with the established maintenance program, it would be my recommendation that this claim be denied as it is my opinion that the City is meeting the standard of care that is required for these types of situations.

If on the other hand, the City had prior notice and failed to take corrective action within a reasonable amount of time and is not complying with the established maintenance program, consideration should be given to settling this matter.

I would also suggest that you check with your water department to see if they can determine the cause of this incident. If this incident was caused due to another party putting objects in your sewer line, I would recommend that this claim be denied as you can not control what other parties put in your system.

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

Tom Mann

CVMIC CITIES & VILLAGES MUTUAL INSURANCE COMPANY

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January 7, 2011

Mary Erickson
102 N Prairie St
Stoughton WI 53589

RE: RECEIPT OF NOTICE OF CLAIM

Dear Mary:

PLEASE BE ADVISED that this office, on the 6th day of January, 2011, received a document submitted by you entitled, Notice of Claim pursuant to Wisconsin Statute 839.80, which will be investigated by an authorized representative of the City of Stoughton. Depending upon the result of the City's investigation, your claim may be paid, disallowed, or compromised. Claims which are filed for a specific dollar amount, which are not paid or compromised, will be submitted to the Common Council for disallowance. When a claim is disallowed by the Common Council, a lawsuit must be commenced within six (6) months of your receipt of the written notice of disallowance or the claim will be forever barred under state law.

Sincerely,

Maria P. Hougan
Deputy City Clerk

mph
cc: Tom Mann, CVMIC

Stoughton Utilities
600 South Fourth Street
P.O. Box 383
Stoughton, WI 53589-0383
Serving Electric, Water & Wastewater Needs Since 1886

Date: January 19, 2011

To: Maria (Pili) Hougan - Stoughton Deputy City Clerk and Confidential Secretary

From: Brian G. Erickson - Stoughton Utilities Wastewater System Supervisor

Subject: Potential Wastewater Claim at 102 N. Prairie Street.

On Monday, January 3, 2011 at approximately 6:00 p.m., Stoughton Utilities (SU) employee Martin Seffens was dispatched to 102 N. Prairie Street in response to wastewater backing up into the basement. Upon Mr. Seffens' arrival, the homeowner had a contractor on site to clear her lateral. The contractor noted that the lateral was clear and the blockage appeared to be in the sewer main. Mr. Seffens flushed the sewer main and encountered an obstruction about 120 feet upstream of the downstream manhole. Mr. Seffens cleared the obstruction and the flow went down in the homeowner's basement. The contractor for the owner noted that there was a large root ball in a downstream lateral that was obstructing the flow line in the sewer main.

On January 4, 2011, SU employees Scott Gunsolus and Paul Johnson televised and cleaned the sewer main and found three laterals in that vicinity to have root intrusion from there laterals into the sewer main. It was apparent that the cause of this sewer main blockage was from the root intrusion from the privately-owned homeowner's laterals at 103, 107 and/or 108 S. Prairie Street. The sewer main was last cleaned in the fall of 2010 and recently slip lined. I notified the three homeowners of the laterals experiencing root intrusion into the sewer main and request that their sewer laterals be inspected and cleaned.

The claimant at 102 N. Prairie Street has had root intrusion in the lateral in the past. The homeowner has their lateral cleaned on a regular basis to prevent back-ups into their basement. Stoughton Utilities experienced root intrusion in the sewer main as well in the past. In 2004 and 2006 the sewer main on Prairie Street was lined. Stoughton Utilities has received several sewer calls over the past years with sewer back-ups but all of them were determined to be within their private laterals. The sewer main appears to be in good working condition. Our inspection indicates that root intrusion from private laterals continues to be an issue in this area.

cc: Sean O Grady - Stoughton Utilities Operations Superintendent
Robert P. Kardasz, P.E. - Stoughton Utilities Director
Kelly S. Michaels - Stoughton City Clerk and Personnel Director

Office 608-873-3379
Fax 608-873-4878
stoughtonutilities.com

PRINTED WITH SOY INK

City of Stoughton
381 E. Main Street
Stoughton, WI 53589
(608) 873-6677

NOTICE OF CLAIM

Name: Mary Erickson
Address: 102 N Prairie St - Stoughton, Wi 53589
Phone: 608 873-4088

Estimate of Damage
Auto: $
Property: $ 100.00
Personal Injury: $
Other: $ 200.00
(Specify: $ 405.00 Honey Wagon)

Incident/Accident Information
Date: Jan 3, 2011
Time:
Location: 102 N Prairie St Stoughton, Wi

CIRCUMSTANCES OF CLAIM

In the space below briefly describe the circumstances of your claim. (Attach addition sheets, if necessary.) For auto damages attach a copy of the police report, if any, and attach a diagram of the accident scene including north, south, east or west corners if the accident occurred at an intersection. For personal injury, indicate the nature of the injury and whether or not medical attention was given and give the name of the attending physician. For property, describe events that led to damage. For all damages, attach estimates for repair or replacement. Also identify any witnesses to the incident/accident.

City main backed up into my basement - The main sewer there was a big root ball - so - all came in my basement. This left a very bad order - all material on basement floor had to be destoyed

See attached receipt for more information

Signed: Mary Erickson Date: Jan 6, 2011

CLAIM

(NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City of Stoughton at any time consistent with the applicable statute of limitations. However, in order for the City of Stoughton to formally accept or deny your claim at this time, the following claim must be completed, with a dollar amount, and signed.)

The undersigned hereby makes a claim against the City of Stoughton arising out of the circumstances described above. The claim is for relief in the form of money damages in the amount of $ 705.00 and non-monetary relief as follows: _____
(cross out if not applicable)

Signed: Mary Erickson Date: Jan 6, 2011
Address: 102 N Prairie St. Stoughton, Wi 53589

HONEY WAGON SERVICES, INC.

P.O. Box 139
STOUGHTON, WISCONSIN 53589-0139
Phone 873-6726

TERMS: Invoices 30 days past due will be assesed at 1½% per month service charge on the unpaid balance.

CUSTOMER'S ORDER NO.	PHONE	DATE
		1-3-11

NAME: Mary Erickson

ADDRESS: 102 N Prairie St
Stoughton WI 53589

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT

QTY.	DESCRIPTION	PRICE	AMOUNT
	Basement had 4" of water. Televised line was full of water with no obstructions in it. Put vacuum on floor drain it sucked water from city main. Called city and they came and jetted main line. There was a big "root ball" at "1290" in city main. Once that was removed water gushed out of basement.		
	Pumper truck to remove water in basement (2 hours)	280	00
	Televise line.	125	00
	Thank you	TAX	
RECEIVED BY	John & Mark	TOTAL	405 00

2787

All claims and returned goods MUST be accompanied by this bill.

Thank You