

Samuel's Studio

2820 W Main Street <> Rapid City, SD 57702
605-343-6844 <> (Fax) 605-343-4134 <> 1-800-658-4752

Karen Jones
Administrative Assistant
Public Works Department
City of Rapid City

Dear Karen,

As per our conversation the other day just before the Committee meeting, I would like to be put on the agenda of the Public Works Committee for the 26th of February to ask them to reconsider our claim (Samuel's Studio) of damages from a sewer backup in to our building in January 2007.

Not known to us was a 180 day written notice deadline that had to be given to the Mayor or City by us of such loss. Even though we brought paperwork down to the department before that deadline, it was not complete or in proper format so we did not leave it. My wife, who attempted to drop of the paperwork was not advised of the 180 day notice of the law but was told that the person she needed to talk to was not in that day. She failed to ask that it be noted that we did at least give notification of loss . . . because quite frankly, we were not aware of such a requirement.

At the time of loss, I was asked to sign a paper at the studio by a city employee acknowledging that they were there & measured the loss area. What else was on the paper I signed I do not know as I was in a frantic state trying to minimize damage & save the most valuable pieces of equipment & inventory. I may have been informed at that time of the 180 day requirement . . . but have no recollection of such.

I would ask to appear to ask the Committee to reconsider our claim.

Yours,

Edgar W. Matuska
Master Photographer
Samuel's Studio
2820 W. Main
Rapid City, SD 57701
343-6844

Sent to Risk Manager: 1/16/08 Chp
Sent to Black Hills Agency: _____

Claim Form
City of Rapid City
300 Sixth Street
Rapid City, SD 57701
(605) 394-4143

Claimant: Samuel's Studio Home Phone 605-343-0590
Address: 2820 W. Main St Business Phone 605-343-6844
Date and Time of Incident: Jan 10, 2008 A.M.
Location of Incident: 2820 W. Main St
Type of Accident:
(Check all that apply): () Injured Person () Property Damage () Automobile Accident

Injured Person

Occupation: N/A Employed by: _____
Did you see a doctor? Yes () No () Doctor's Name: _____
Were you hospitalized? Yes () No () Hospital: _____
Have you returned to work or school? Yes () No () Age: _____
Probable disability period: _____
Why were you on the premises? _____

Describe incident (nature & extent of injury): _____

Name of police officer or governmental authority this was reported to: _____

Property Damage

List property damaged: Sewer backup from City
Age of damaged property: _____
Estimated cost of repair: Cleanup 3,123.87
How was property damaged? property damage not included

Automobile Accident

Driver, if other than owner: _____
Address: _____ Home Phone: _____
Estimated cost of repair: _____ Business Phone: _____
Vehicle: (year, make, model): _____
Name and Department of governmental employee involved in accident: _____

Where did accident take place? _____
Your description of accident and damage: _____

(Attach copy of Police Report)

SOUTH DAKOTA LAW REQUIRES THE FOLLOWING:

SDCL 3-21-2: Notice prerequisite to action for damages -- Time limit. No action for the recovery of damages for personal injury, property damage, error or omission or death caused by a public entity or its employees may be maintained against the public entity or its employees unless written notice of the time, place and cause of the injury is given to the public entity as provided by this chapter within one hundred eighty days after the injury.

SDCL 3-21-3: Persons to whom notice must be given. Notice shall be given to the following officers as applicable: In the case of a county, to the County Auditor; in the case of a municipality, to the Mayor or City Finance Officer. In the case of other public entities, to the chief executive officer or secretary of the governing board.

1-16-08
Date

City of Rapid City

Joan Mabaska
Claimant
Joan Mabaska

Sewage Damage on January 10, 2007 at Samuel's Studio
2820 W. Main, Rapid City, SD 57702 343-6844

Expenses occurred for cleanup:

Lloyd's, Inc.	rental of equipment to clean up	\$2,162.40
Kieffer Sanitation	extra pickup of trash	42.40
Servall	mats exchanged out due to sewage	17.07
Day Labor:	Jonathon Bissonette	56.00
	Arthur Buckley	56.00
	1/11/07	
	Henry Yellow Elk	56.00
	Jonathon Bissonette	56.00
	1/12/07	
	Henry Yellow Elk	56.00
	Jonathon Bissonett	56.00
	1/13/07	
	Henry Yellow Elk	56.00
	Jesse Ray Runnels	56.00
	1/19/07	
Labor:	Employees	
	Miranda Huber 6.5 Hours	52.00
	Michelle Loffelmacher 6 Hours	75.00
	Kerry Newton 4.5 Hours	49.50
	Kelly Melendez 3.75 hours	37.50
	1/10/07	
	Kelly Melendez 6 hours	60.00
	1/11/07	
	Kelly Melendez 5 Hours	50.00
	1/12/07	
	Kelly Melendez 8 hours	80.00
	1/16/07	
	Kelly Melendez 5 hours	50.00
	1/19/07	
Plus:	Joan Matuska	
	Edgar Matuska	
	TOTAL	\$3,123.87

Wastewater Collection BackUp Report

Address 2820 W MAIN **Complaint Responded by** TF CR
Date 1 /10/2007
Property Owner ED MATUSKA
Telephone# (605) 343-6844

<u>Room</u>	<u>Dimension Length</u>	<u>Dimension Width</u>	<u>Type of Floor</u>
BASEMENT	42	37	CONCRETE/CARPET

Wastewater Collection BackUp Report

Backup Number: 2.07 **Private** **Public**
Date 1/10/2007 **Property Owner** ED MATUSKA
Address 2820 W MAIN **Telephone#** (605) 343-6844
Probable Cause ROOTS
Time Start 9:20:00 PM **Time Completed** 10:00:00 PM
From Manhole No D34-3-5 **To Manhole No** D34-3-6
Distance of Obstruction 410
Distance between Manhole 446
Complaint Responded by TF CR
Was Backup Policy Issued
Remarks MAIN WAS PLUGGED

*Samuel
Shaw's*