

## Deborah Neuser

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**From:** Deborah Neuser  
**Sent:** Monday, January 20, 2020 11:34 AM  
**To:** 'Robert J. Kolasa, Ltd.'  
**Subject:** FW: Request for Abatement of \$300 Snow Shoveling Charges - 411 State Street, Manitowoc  
**Attachments:** 2020\_01\_20\_11\_27\_49.pdf

As I told your wife, the Board of Public Works meetings are not recorded. I can tell you the committee considered the following:

Snow removal is entirely governed by our ordinance. Notice is provided via publication in the Herald Times Reporter on November 15, 2018, December 15, 2018, January 15, 2019 and February 15, 2019 (see attached copy of publication).

We did an extensive online search of the history log for the snow and ice control page of the website and the sidewalk snow removal page of the website and did not find that any changes had been made to these pages within the time frame we are looking at. Just to be sure we contacted Civic Plus who manages our website and they confirmed that no changes were made.

The 3 day notice was an old City policy that was changed prior to the 2018/19 snow season.

Council will act on the Board report tonight.



*Deborah A. Neuser*

City Clerk, WCMC, City of Manitowoc  
900 Quay St., Manitowoc, WI 54220  
(Ph) 920-686-6951; (Fax) 920-686-6959  
E-Mail: [dneuser@manitowoc.org](mailto:dneuser@manitowoc.org)  
Population: 33,692  
City Website: [www.manitowoc.org](http://www.manitowoc.org)

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**From:** Deborah Neuser  
**Sent:** Monday, January 20, 2020 7:57 AM  
**To:** 'Robert J. Kolasa, Ltd.' <[robert@kolasalaw.com](mailto:robert@kolasalaw.com)>; Elizabeth Majerus <[emajerus@manitowoc.org](mailto:emajerus@manitowoc.org)>  
**Cc:** Kathleen McDaniel <[kmcdaniel@manitowoc.org](mailto:kmcdaniel@manitowoc.org)>; Mackenzie Reed-Kadow <[mreedkadow@manitowoc.org](mailto:mreedkadow@manitowoc.org)>  
**Subject:** RE: Request for Abatement of \$300 Snow Shoveling Charges - 411 State Street, Manitowoc

On January 8<sup>th</sup> the Board of Public Works met and denied your request. The Board report will go to the full Council tonight as they have the final say in the matter. You will receive formal notification after the Council meeting tonight.



*Deborah A. Neuser*

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**From:** Robert J. Kolasa, Ltd. [<mailto:robert@kolasalaw.com>]  
**Sent:** Saturday, January 18, 2020 8:24 PM  
**To:** Elizabeth Majerus <[emajerus@manitowoc.org](mailto:emajerus@manitowoc.org)>  
**Cc:** Kathleen McDaniel <[kmcdaniel@manitowoc.org](mailto:kmcdaniel@manitowoc.org)>; Deborah Neuser <[dneuser@manitowoc.org](mailto:dneuser@manitowoc.org)>  
**Subject:** RE: Request for Abatement of \$300 Snow Shoveling Charges - 411 State Street, Manitowoc

Liz,

Hi. Happy New Year!

Per your below email, it appears our request for penalty abatement was heard on 1/8/20. Unfortunately, neither my wife or I could take off work (we're 150 miles away) in the middle of the week to attend the hearing.

Do you know whether the charge was removed? We haven't seen any correspondence from the city.

Thank-you,

Robert J. Kolasa  
Robert J. Kolasa, Ltd.  
Attorney, C.P.A., LL.M. (Tax)  
1401 N. Western Avenue, 2<sup>nd</sup> Floor  
Lake Forest, IL 60045

Telephone: 1-847-234-6262  
Facsimile: 1-847-234-7629  
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**From:** Elizabeth Majerus <[emajerus@manitowoc.org](mailto:emajerus@manitowoc.org)>  
**Sent:** Friday, December 20, 2019 1:17 PM  
**To:** 'Robert J. Kolasa, Ltd.' <[robert@kolasalaw.com](mailto:robert@kolasalaw.com)>; Kathleen McDaniel <[kmcdaniel@manitowoc.org](mailto:kmcdaniel@manitowoc.org)>; Deborah Neuser <[dneuser@manitowoc.org](mailto:dneuser@manitowoc.org)>  
**Subject:** RE: Request for Abatement of \$300 Snow Shoveling Charges - 411 State Street, Manitowoc

Atty. Kolasa,

Thank you for contacting the City regarding this assessment. The Board of Public Works hears all snow removal assessment appeals so I've copied City Clerk, Deborah Neuser, on this reply and trust that she will add this to the next BPW agenda. BPW meets weekly on Wednesdays but given that City Hall is closed 12/25 and 1/1, I believe the next meeting will take place on 1/8 at 4pm. You may attend and speak if you desire.

Thank you,  
Liz Majerus

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**From:** Robert J. Kolasa, Ltd. [<mailto:robert@kolasalaw.com>]  
**Sent:** Friday, December 20, 2019 11:58 AM  
**To:** Kathleen McDaniel; Elizabeth Majerus  
**Subject:** FW: Request for Abatement of \$300 Snow Shoveling Charges - 411 State Street, Manitowoc

Dear Sir or Madam:

I and my wife (Eileen) are the owners of 411 State Street, Manitowoc. This is our second residence and we have a snow removal service. Somehow our snow removal service missed the snow shoveling, resulting in snow removal services provided by the City on 3/13/19 (attached is the \$300 invoice and our property tax bill showing such assessment). At the time of the service, our pipes had frozen and we had substantial damage to the house due to broken pipes. Everything was in chaos.

Immediately after receipt of the \$300 bill, my wife checked the City's web site, which contained regulations relating to the assessment of snow shoveling fines. The online materials clearly stated that the property owner must receive a 3-day notice before the fine would be assessed. We never received such notice.

My wife then called up the legal department and asked to speak to an attorney. She talked to "Jane" in your legal department and explained that we never received the required 3-day notice. Jane stated that the website "should have" been amended to reflect that the 3-day notice was stricken. Yet at the time the fine was issued, such notice requirement was clearly present online. But magically after my wife's phone call, the City's website was updated deleting the 3-day notice requirement.

Under the above circumstances, can the \$300 charge be abated? Our defense is that we were not given the required notice. If your regulations were changed, what was the effective date? If the effective date was after the snow removal service, we should not be charged. If before, why should we be charged if the City did not notify the public of this change in the first place?

A timely response to this abatement request would be appreciated.

Thank-you for your consideration of this request.

Robert J. Kolasa  
Robert J. Kolasa, Ltd.  
Attorney, C.P.A., LL.M. (Tax)  
1401 N. Western Avenue, 2<sup>nd</sup> Floor  
Lake Forest, IL 60045

Telephone: 1-847-234-6262  
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Web site: <http://www.kolasalaw.com>

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STATE OF WISCONSIN  
BROWN COUNTY

CITY OF MANITOWOC  
City Clerk  
900 QUAY ST

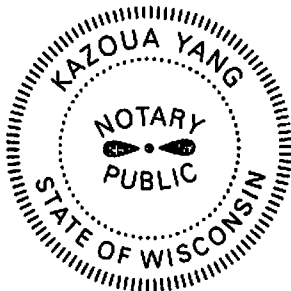
MANITOWOC WI 542204543

I, being duly sworn, doth depose and say I am an authorized representative of the Herald Times Reporter, a newspaper at Manitowoc Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-306675  
Order Number: 0003240906  
No. of Affidavits: 1  
Total Ad Cost: \$61.58  
Published Dates: 11/15/18, 12/15/18, 01/15/19

**PUBLIC NOTICE**  
**SIDEWALKS MUST BE CLEANED OF SNOW AND ICE**  
NOTICE IS HEREBY GIVEN to City of Manitowoc property owners, lessees, and occupants that any new fallen snow or newly formed ice which is on any sidewalk at 6:00 o'clock A.M. of any day shall be removed from such walk by 8:00 o'clock P.M. of the same day.  
Any sidewalks not cleaned within this time limit shall be taken care of by the Department of Public Infrastructure and the cost will be assessed to the abutting property owner.  
NOTICE IS FURTHER GIVEN that it is unlawful to deposit snow or ice in the street or other public place in the City of Manitowoc. Any person causing or ordering the same to be done shall be subject to a fine according to the Municipal Code.  
Dated: November 5, 2018  
(Signed) Justin M. Nickels, Mayor  
(Signed) Deborah Neuser, City Clerk  
Published by authority of the Common Council of the City of Manitowoc, Wisconsin  
Run: Nov 15, Dec 15, Jan 15, 2018 WMAXLP

(Signed) Kevin Yang (Date) 1-16-19  
Legal Clerk



Signed and sworn before me

Kazoua Yang

My commission expires 11/9/22

CITY OF MANITOWOC  
Re: SNOW AND ICE

STATE OF WISCONSIN  
BROWN COUNTY

CITY OF MANITOWOC  
City Clerk  
900 QUAY ST

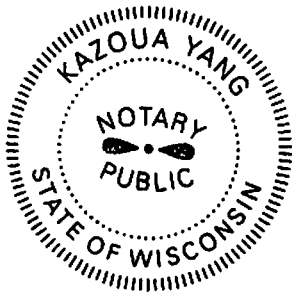
MANITOWOC WI 542204543

I, being duly sworn, doth depose and say I am an authorized representative of the Herald Times Reporter, a newspaper at Manitowoc Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-306675  
Order Number: 0003302170  
No. of Affidavits: 1  
Total Ad Cost: \$24.48  
Published Dates: 01/15/19

**PUBLIC NOTICE**  
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Dated: November 5, 2018  
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(Signed) Deterah Neuser, City Clerk  
Published by authority of the Common Council of the City of Manitowoc, Wisconsin  
Run: Feb 15, 2019 WNAJLP

(Signed) Kevin Young (Date) 1-16-19  
Legal Clerk



Signed and sworn before me  
Kevin Young  
My commission expires 11/9/22

CITY OF MANITOWOC  
Re: Snow and ice remove