

LPI
11-16-15

15-1156

REPORT OF THE BOARD OF PUBLIC WORKS

Wednesday, October 28, 2015
4:00 p.m.

Board met on call. The following members were present: City Attorney Kathleen McDaniel, Director of Public Infrastructure Dan Koski, Finance Director Steve Corbeille, Alderperson Patrick Brandel, and City Clerk Jennifer Hudon.

Absent: Mayor Justin M. Nickels, Alderpersons Jim Brey and Eric Sitkiewitz.

Also Present: Engineering Division Manager Greg Minikel, Building Inspector Rick Schwarz, Mr. Jeremy Skjold and Mr. Richard Kunz.

City Attorney Kathleen McDaniel called the meeting to order at 4:00 p.m. in the absence of Mayor Nickels.

Board met to discuss request from Jeremy Skjold for a sidewalk privilege agreement for his recently constructed fence which encroaches the City's right-of-way. His property is located at 941 N. 15th Street. Board discussed the issue and heard from the owner, Mr. Skjold, and also from Mr. Kunz who objects to the placement of the fence. Moved by Alderperson Brandel, seconded by Director of Public Infrastructure Dan Koski, and unanimously carried to grant Mr. Skjold's request for a sidewalk privilege agreement and have the City Attorney draft the same. Ayes, 5. Nays, none.

Moved by Finance Director/Treasurer Steve Corbeille, seconded by City Attorney Kathleen McDaniel and unanimously carried to adjourn at 4:20 p.m. Ayes, 5. Nays, none.

Respectfully submitted,



City Clerk Jennifer Hudon
Secretary, Board of Public Works

Hello Jennifer Hudon,

I am writing in regards to get a Sidewalk Privilege Agreement (SPA) for my recently constructed fence. I am told that the fence encroaches the city's right of way on the alley at the east side of the property and on Wisconsin Ave at the north end of the property. Before I constructed my fence I went to the Manitowoc City Hall to fill out my paperwork and get all the specifications on the fence, in particular fence height, vision triangles, and right of ways. I was told that the right of way on the alley was 18 feet and 60 feet along Wisconsin Ave.

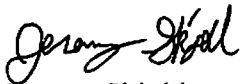
Regarding the encroachment on the alley, I measured the alley so that I could properly lay out the 2 vision triangles and the right of way and then proceeded to build that part of the fence. Later I was contacted by Greg Minikel, Engineering Division Manager, who said there had been a complaint against my fence and that I was 1 foot into the right of way of the alley. I told him that I had built the fence to the specifications I had received from Manitowoc City Hall and was not in the 18 foot right of way. Greg then told me that the right of way was 20 feet not 18 feet. He said that he was going to check the city records and I double checked the Manitowoc website. The website and my paperwork said the right of way was 18 feet but according to Greg the city records said 20 feet. If I would have known the right of way was 20 feet I would have set my fence back the extra foot but I do not feel that I should have to move my fence because I built it to the specifications I was given from the city. There are also fences and a garage down the alley that are closer to or the same distance as my fence to the alley.

Regarding the encroachment on Wisconsin Ave, I measured the 60 foot right of way by myself with a 15 foot tape measure. That and the change in elevation between the yard and sidewalk would explain how my measurement could have been off. Once I had my layout done I looked down the string line and saw that my fence was further away from the sidewalk than the neighbor's side deck, the same neighbor that filed the complaint about my fence. I thought that as long as my fence was further away from the sidewalk than the deck I would be out of the right of way and did not question my measurement. I believe that I should not have to move my fence along Wisconsin Ave because I do not think the city will use any more of the right of way and I am already set back from the sidewalk about 2 feet.

I purchased the house a year and a half ago and my fiancée and I have been constantly repairing and upgrading the house, which was one of the worst houses on the block. We have received nothing but compliments on the fence by the people that live in the neighborhood. The only complaint comes from a person that does not even live in the neighborhood, he owns a duplex across the alley. The neighborhood is becoming old and many formerly nice homes are outdated and selling cheap. The neighborhood needs couples like my fiancée and I who buy these cheaper homes to fix them up and raise a family in. One of the cheap houses that has sold in the neighborhood in the last year was turned into a duplex. In that year there has been a drug bust and a drunk and disorderly happen in front of it.

Please accept this SPA so that my fiancée and I do not become discouraged renovating this home.

Sincerely,


Jeremy Skjold

RECEIVED
OCT 09 2015
CITY CLERKS OFFICE

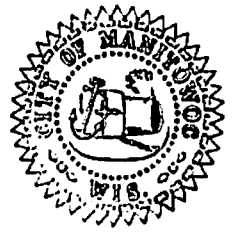
Attached are pictures of what the backyard looked like when I bought the house and what the fence looks like now. Also attached is a screen shot of the Manitowoc website showing that the right of way says 18 feet.



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org



October 23, 2015

Jeremy Skjold
941 N 15 Street
Manitowoc WI 54220

Richard Kunz
4022 Delta Street
Manitowoc WI 54220

TO WHOM IT MAY CONCERN:

Please be advised that the City of Manitowoc Board of Public Works will be meeting on Wednesday, October 28, 2015 at 4:00 p.m. at City Hall to consider a request for a sidewalk privilege agreement for Jeremy Skjold, 941 North 15 Street, Manitowoc.

Very truly yours,

Jennifer Hudon
City Clerk/Deputy Treas.



Jennifer Hudon

From: Greg Minikel
Sent: Tuesday, October 13, 2015 8:27 AM
To: Jennifer Hudon
Subject: FW: 941 North 15th- New Wooden Fence in Alley R/W - Parcel# 185-000-700
Attachments: 20150814143712431.pdf; RE: Draft Public Infrastructure Agenda for October 5th Meeting; RE: 941 North 15th- New Wooden Fence in Alley R/W - Parcel# 185-000-700

Hi Jennifer,

Richard Kunz is the person that originally complained about this fence.

His phone number is 682-4539.

940 North St 40 22 Delta St.

Both Richard Kunz and Jeremy Skjold should be invited to the BPW's meeting. Thanks.

-----Original Message-----

From: Greg Minikel
Sent: Wednesday, September 30, 2015 3:42 PM
To: Jennifer Hudon; Deborah Neuser
Cc: Dan Koski; Sonja Birr; Mike Zimmer; Rick Schwarz; Jill Erickson; Tyler Caulum; Lisa Mueller; Bill Jindra
Subject: FW: 941 North 15th- New Wooden Fence in Alley R/W - Parcel# 185-000-700

Ald. Soeldner asked for this issue to be taken up by the BPW's in lieu of the PI Committee as he felt that the Sidewalk Privilege Agreement would be the way to go with this. See attached e-mails.

Just a heads up that I have called and requested the property Jeremy Skjold (pronounced "shold") to write a letter to the Clerk's Office requesting the City to approve a SPA for his fence encroaching into both the Alley ROW and the Wisconsin Ave. ROW.

The abutting property owner Kunz complained about the fence.

We will need to invite both of these property owners to the BPW's to let them both state their cases.

I also informed Jeremy about the two things he will need to do if it is approved. The first is hiring a Registered Land Surveyor (RLS) to provide the legal descriptions for each of the encroachments and secondly he would have to provide insurance information/certificate to the City.

Jill/Mike:

Jeremy just called me back while I was writing this e-mail and he stated that on the City's webpage on the GIS maps, it shows the alley right-of-way to be 18 feet and that is how he set his fence. He stated that this is the same map that he was showed in Building Inspection when he got his fence permit.

I believe you guys told me it is a 20 foot ROW according to other records. Was this from the Register of Deeds or what do they have for the ROW?? We need to discuss this again.

If for some reason the alley is truly a 18 ft. ROW, then all of this is really a moot point and we should just drop everything. If it is truly 20 feet then we need to proceed with the SPA. Thanks.

-----Original Message-----

From: Greg Minikel

Sent: Monday, August 31, 2015 9:20 AM

To: David Soeldner

Cc: Greg Minikel; Rick Schwarz; Bill Jindra; Lisa Mueller; Nicolas Sparacio; Dan Koski ; Jill Erickson; Liza Rezach (lrezach@manitowoc.org); Matt Smits; Mike Zimmer; Sonja Birr; Steve Herzog

Subject: FW: 941 North 15th- New Wooden Fence in Alley R/W - Parcel# 185-000-700

Hi Dave,

We received a complaint from Richard Kunz (682-4539) property owner of 940 N. 14th St. (rental property I believe) regarding his neighbor's fence being too far into the alley.

Mike Zimmer was out there and took some measurements. The new fence is a little over 1 foot into the ROW. The attachment shows some photos of the fence and the measurements.

I checked with Building Inspection and the property owner did obtain a permit for the fence prior to construction.

I believe that Mr. Kunz feels that it should be moved. However, I have not talked to either party yet.

I drove through the alley this morning and it appears that there is one other short fence section and possibly a garage that may also be encroaching into the ROW. We would have to measure these to verify it.

The questions/issues are as follows:

- 1) Will the City require the property owner to relocate the fence off of the ROW or will the City allow the fence to remain in place??
- 2) If the City allows the fence to remain at its current location, then the property owner will need to obtain a Sidewalk Privilege Agreement from the City.

Would you like us to add an agenda item for the September PI Committee meeting and invite both parties to attend or should the property owner write a letter to the Clerk requesting a sidewalk privilege agreement and Jennifer can bring it directly to the BPW's?? Let me know which way you would like to go with this issue. Thanks.

From: Mike Zimmer

Sent: Friday, August 14, 2015 2:58 PM

To: Greg Minikel; Dan Koski; Paul Braun; Rick Schwarz; Bill Jindra

Cc: Randy Junk; Jill Erickson

Subject: 941 North 15th- New Wooden Fence in Alley R/W - Parcel# 185-000-700

Greg, Bill, Rick, Paul,

The fence at 941 North 15th Street is 1.3' +/- to 1.1' +/- into the alley right-of-way.

There is an error in our maps, it was showing an 18' width R/W for the alley, but looking into the old ¼ section Assessors and our Legal maps and the old Buels Nichols Resubdivision Plat it is a 20' R/W.

Jill will correct the GIS maps.

Mike

Mike Zimmer
City Survey Technician
City of Manitowoc
Engineering Department
900 Quay Street
Manitowoc, WI 54220
Work: (920) 686-6910; Cellular: (920) 374-0412 mzimmer@manitowoc.org<mailto:mzimmer@manitowoc.org>



Parcel Number

052791002219200
0.126 ac.

05279002222100
0.122 ac.

05218500071000
0.131 ac.

05218500072100
0.115 ac.

05218500073000
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N 15TH ST

WISCONSIN AVE

