

Sonja Birr

From: David Soeldner
Sent: Monday, August 15, 2016 7:16 AM
To: richard kunz
Cc: Dan Koski; Greg Minikel; Sonja Birr
Subject: RE: Sidewalk Privilege Agreement for 941 North 15th street

Hi Dick,

I will gladly put this on the agenda for the next Public Infrastructure Committee meeting, which is scheduled for Monday, September 12 at 5:30 at City Hall.

Thanks,

Dave Soeldner | Alderman, District 8 | City of Manitowoc | 920-629-6444 | www.manitowoc.org

From: richard kunz [richardkunz@att.net]
Sent: Friday, August 12, 2016 11:32 AM
To: David Soeldner
Subject: Re: Sidewalk Privilege Agreement for 941 North 15th street

Hi Dave: Please schedule an appeal for the fence situation with an SPA (location 941 N14th Manitowoc) Putting it thru infrastructure would be appreciated. Thanks R.Kunz

On Tuesday, August 2, 2016 10:26 AM, David Soeldner <dsoeldner@manitowoc.org> wrote:

Hi Dick,

Back when this was first being discussed, I (incorrectly) believed that a sidewalk privilege agreement was the preferred solution, and the wording of it would have to meet both parties' satisfaction. I see now that the only remedy that would be acceptable to you would be moving the fence. So I apologize for misunderstanding your position at the outset.

I did take a look and I agree that the turn is pretty tight, and while another 15" would certainly help, it would be up to the Committee (or Board) to decide the pros and cons. Right or wrong, we have fences and garages all over the City that encroach on our ROW, and if we start moving them/making people move them every time there is a complaint, I think there would be a public outcry.

As far as I know this appeal could go through either the Board of Public Works or the Public Infrastructure Committee. I am the Chair of Public Infrastructure so if you'd like to discuss it there, I would be glad to add it to an upcoming agenda. We typically meet on the second Monday of each month at 5:30.

Sincerely,

Dave Soeldner | Alderman, District 8 | City of Manitowoc | 920-629-6444 | www.manitowoc.org

From: richard kunz [richardkunz@att.net<mailto:richardkunz@att.net>]
Sent: Tuesday, July 26, 2016 2:11 PM
To: David Soeldner
Subject: Re: Sidewalk Privilege Agreement for 941 North 15th street

Hi Dave: I will let you know in a week or two if an appeal is the right course of action for me..

It seems some how your opinion has changed from the original contact with you over this subject. At that time you said it would have to be settled to my satisfaction. From that, it went to (its a minor mistake).

As I told you in a previous Email, a garage has to be set back from the property line in an alley and a fence can be put right to the property line and in this case a foot and a half into the alley. In this case, who is the recipient? The opposite property, which is me and my tenants. My garage over there has single garage doors and a person has to be straighter to the garage when entering. Fence infringement restricts the ability to get straight on first attempt .When a garage has a sixteen foot door, it allows the vehicle to be a lot more slanted when entering the garage without doing any damage while entering.

What was a minor mistake (per you) makes a major problem for me and tenants.

None of the above is meant to make you mad, but just trying to present the facts.

Is the appeal open thru Public Works only or can it go thru Infrastructue Committee? Again, I will let you know
Thanks R Kunz

On Tuesday, July 26, 2016 6:55 AM, David Soeldner <dsoeldner@manitowoc.org<mailto:dsoeldner@manitowoc.org>> wrote:

Hi Dick,

It does seem that the City gave out some conflicting information, where one map showed an 18' ROW and another showing the actual 20'. Jeremy apparently relied on the 18' reading, which is what caused this error. I am not saying with 100% authority that this is what took place, but this does make sense to me. If that in fact occurred, then I would agree with your assessment that this is the City's mistake.

Your most obvious avenue here would be to appeal this with the Board of Public Works. What you would essentially be asking is for City taxpayers to foot the bill to move a fence 18". I do feel bad that this happened, and while I would personally not support using City funds to move the fence based on a relatively minor error, I would support better snowplowing operations in your alley so that everyone has more room to maneuver.

I went back through old Public Infrastructure minutes and I did not see this matter discussed. So I believe Ald. Brey may have been referring to a Board of Public Works meeting and simply misspoke? I did not put it on the Public Infrastructure agenda as I felt it was a Board of Public Works matter. There's no reason that this matter could not be discussed by the Public Infrastructure Committee as well.

Let me know which route you would like to pursue.

Thanks,

Dave Soeldner | Alderman, District 8 | City of Manitowoc | 920-629-6444 | www.manitowoc.org

From: richard kunz
[richardkunz@att.net<mailto:richardkunz@att.net><mailto:richardkunz@att.net<mailto:richardkunz@att.net>>]
Sent: Monday, July 25, 2016 7:11 PM
To: David Soeldner
Subject: Re: Sidewalk Privilege Agreement for 941 North 15th street

Yes I would say it is about that much.

I look at it this way.

When the city gave those measurements to Jeremy S.the city assumed responsibility, which the city attorney more or less said at the council meeting. She said the city gave out the wrong information from a wrong information map. It seems the actual lot line has to be found and that determines where in this case a fence can be put. The city brochure for fences says the same thing. Brochure says the city information can not be the determining factor. Now to O.K. such a mistake, is another mistake making a total of two mistakes.

What was said behind the scenes,like Jim Brey's comment, we discussed it at infrastructure meeting and that information can not be found, makes for, what is happening?

Thanks R.Kunz

On Monday, July 25, 2016 8:18 AM, David Soeldner
<dsoeldner@manitowoc.org<mailto:dsoeldner@manitowoc.org><mailto:dsoeldner@manitowoc.org<mailto:dsoeldner@manitowoc.org>>> wrote:

Hi Dick,

Sorry I haven't responded to you on this. I have no idea why you got a spam email from me with a virus attachment--I will check with our IT department on that.

I will admit that some of the steps in this process were a bit clumsy, and I apologize if you don't feel that your voice was heard at the Board of Public Works meeting. To me, the situation still comes down to where the fence is actually located. According to our surveyor, the fence encroaches between 1.1 and 1.3 feet into the alley ROW. Do you agree with these measurements?

Thanks,

Dave Soeldner | Alderman, District 8 | City of Manitowoc | 920-629-6444 | www.manitowoc.org

From: richard kunz
[richardkunz@att.net<mailto:richardkunz@att.net><mailto:richardkunz@att.net<mailto:richardkunz@att.net>><mailto:richardkunz@att.net<mailto:richardkunz@att.net>>>]
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Sent: Monday, June 20, 2016 4:46 PM
To: David Soeldner
Cc: James Brey - D4
Subject: Sidewalk Privilege Agreement for 941 North 15th street

Hi Dave: It has been a short while since the common council passed the SPA for fence on public property in Dec. 2015 Common Council meeting.

First it was passed in the public works meeting of Oct. 2015. The Chairman for this meeting was the City Attorney (Kathleen McDaniel).

I knew this meeting was going to be one sided right from the start when Greg Minikel, said we would not even be here if it were not for Richard Kunz bringing this to our attention. Then Rick Schwarz comes in to the meeting and sits down along side of Jeremy and not between me and Jeremy.

Never in this whole process did the city call me and give me results of their measurements or where we were on this subject. I made all the phone calls and the only thing from the city's side was the letter saying I could come to Public Works meeting were I found out it was not for public comments.

I was invited to this meeting, but was told by city attorney, meeting was not for public comment when I raised my hand. When I said I was invited to this meeting, she let me talk. Greg Minikel had to say he invited me and Jeremy before I could talk. Then a short while latter Jeremy S. (person applying for SPA) asked me if I had measured the distance from his fence to my garage. I said no. He answered that he had measured the distance and found it to be about thirty feet. After about a half minute I said it can not be that much, and again the city attorney said this was not for public comment.

Jeremy asked me a question, and when my answer was favorable to the city attorney she did not stop me from answering it seems. When my next comment was not favorable to the city attorney she stopped me and said meeting was not for public in put.

As you know the SPA was passed at the public works meeting. The justification by Alderman Brandel was that I have a deck on city property and this fence is the same thing. My so called deck is a steps for the upstairs tenant. My building use to be a store, so from day one these steps have been there. Not a deck in no way. Stores were allowed to build closer to the property line all over the city in early times.

Now we get to the city council meeting Dec. 2015.

Here Alderman Sitkiewitz finds justification by having the city attorney say the city of Manitowoc gave the wrong measurements to Jeremy.

The city attorney failed to mention that the fence is on city property on two sides.

Now on to the problem we have encountered.

On February 3rd, 2016 I went to drop off rent receipt and my down stairs tenant informed me they had hit my barrier post by garage while trying to enter the garage in previous day. Damage to my post and their vehicle. I have pictures of post, snow plow distance from fence and vehicle damage.

One of my concerns to the city council at the time was enough room for snow plowing. The beginning of February, 2016 the snow plowing was sixty inches from the fence. Fence is twelve inches off of alley black top edge, so forty eight inches of west side alley was not plowed. This is Over half a vehicle width not plowed. Streets are not plowed four feet from the curb, but here the city found it acceptable the way it looks.

The tenant (Jim Gadzinski) I am talking about has lived there (at 940 North 14th. street) for nineteen years and the vehicle that is damaged is owned by them for over four years. Now the only thing that changed this winter is the fence being allowed to be built one foot from alley blacktop edge creating no room for snowplowing and not wanting to damage fence while plowing snow it seems, my opinion.

I sure should not be the recipient of such actions (allowing fence on public property alley side) or my tenant either.

At the city council meeting Dec,2015 Alderman Brey says we discussed this at infrastructure meeting. How can this be discussed and it is not on Video recording that I can find. Also this day and age, and no Audio or Video of public works meetings per city clerks office.

Using an SPA to have a fence on public right of way on an alley just in itself does not seem right. SPA is very self explanatory, it is for side walk right of ways. When I first contacted you about this subject Oct, 2015, your reply was this situation has to be settled to my satisfaction. Some how that all went out the window as the subject was voted on.

A friend of mine at 939 North 14th, just told me that when he made his one car garage into a two car garage a number of years ago that he had to keep the garage wall intact alley side or he would have to move it further from alley blacktop edge if he took it down. This wall is over six feet from alley black top edge. This alley is between N 14th and N 13th. Now a garage wall has to be this far from alley blacktop edge and a fence can be one foot from alley blacktop edge. Does this make sense at all? Plus, this garage entry is from the property and not from the alley. The entry for the garage directly across is from the property also.

If the city gave the wrong information to Jeremy, then the city should pay to have this fence moved off of public property, alley side.

It is time to make this right. Richard Kunz, Owner Property 940 N14th St. Manitowoc, WI