

20-0049
1-20-2020

20-0049

CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org



CONSENT

January 10, 2020

TO: Mayor and Common Council
FROM: Board of Public Works
SUBJECT: Appeal for snow removal assessment for property at 411 State St.

Dear Mayor and Common Council:

At the January 8, 2020 Board of Public Works meeting, the Board met to review the appeal for a snow removal assessment for the property at 411 State Street.

"Moved by Alderman Lee Kummer, seconded by Alderman Jim Brey, and unanimously carried to deny the request. Ayes, 7. Nays, none."

Very Truly Yours,

DEBORAH NEUSER
Secretary Board of Public Works

Deborah Neuser, CMC, City Clerk
CITY HALL · 900 Quay Street · Manitowoc, WI 54220-4543
Phone (920) 686-6950 · Fax (920) 686-6959 · dneuser@manitowoc.org

Deborah Neuser

From: Elizabeth Majerus
Sent: Friday, December 20, 2019 1:17 PM
To: 'Robert J. Kolasa, Ltd.'; Kathleen McDaniel; Deborah Neuser
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

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, 2nd Floor
Lake Forest, IL 60045

Telephone: 1-847-234-6262
Facsimile: 1-847-234-7629
E-Mail: robert@kolasalaw.com
Web site: <http://www.kolasalaw.com>

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8619

City of Manitowoc

Department of Public Infrastructure

Sidewalk snow removal violation and removal form

Location: 411 STATE ST	Complaint Date: 3/12/2019 12:00:00 AM
Parcel Number: 000114030 (Lot #485)	Complainant Name:
Owner Name: KOLASA ROBERT J & EILEEN C, (Cust #29980)	Complainant Phone:
Owner Address: 70 E BARN SWALLOW LN LAKE FOREST, IL 60045	Subsequent Complaint (circle if applicable) If circled proceed to 2 nd inspection and removal

Initial inspection date: 3/8/19	Inspector: BH
Action taken: (circle one) GIVEN TO CONTRACTOR	
Date issue given to contractor: 3/12/19	

COMP INSP DATE SHOVELED	INSP INITIALS	COMPLIANCE YES OR NO	EMPLOYEE	LABOR HRS	EQUIP	EQUIP HRS	DATE BILLED	MINIMUM CHARGE	ADDITIONAL CHARGES
3-13-19		No	MMJMI	1 Hr	Robert	1 Hr		\$300	1 Bag





Steve Corbeille

From: Kathleen McDaniel
Sent: Monday, June 26, 2017 4:21 PM
To: Steve Corbeille
Subject: A17-00197 Review of ord. violation notices-sidewalk snow shoveling/weed cutting
Attachments: 00052505.docx

CyAutoId: 2144899
CycomPath: C:\cycomsql\
CyMatterId: 2135422
CyMultiRecMemos: N
CyStaffId: KMM

**** Attached file(s):**

Request for Legal Service - Ordinance Violation Notices Requirements (00052505.docx)

Steve,

For the purposes of your event tomorrow:

- **Snow Removal:** This is entirely governed by our ordinance. The DPI has the ability to set policy here and I don't believe there is any requirement under our ordinance to send a notice beyond publication. I think we need to publish in order to prove we have put citizens on notice that we will assess if not cleared.
- **Weed Removal:** This is governed by state law and our ordinance. Our ordinance imposes the onerous requirements to do the letter and then also the door hanger. We could change our ordinance, but we should still publish a notice in the paper as that is required by state law.

Kathleen

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
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: Feb 15, 2019 WNAXLP

(Signed) *Keun Young* (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 remove

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
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(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 WNAXLP

(Signed) *Keun 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

Deborah Neuser

From: Stacey Groll
Sent: Wednesday, January 8, 2020 3:09 PM
To: Deborah Neuser; Karen Dorow; Dan Koski; Jane Rhode; Mackenzie Reed-Kadow
Cc: Kathleen McDaniel; Elizabeth Majerus
Subject: RE: Appeals

What I can tell you this far, is that I did an extensive line by line search of the history log for the **Snow & 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 were looking at. Just to be sure, I contacted Civic Plus to determine if there was something further I should be searching, and it was determined and confirmed that these specific pages have not been changed since 2017.

On the Sidewalk Snow Removal page of the website (page 376), there is an outdated press release that I would suggest DPI Administrative staff remove or at minimum update – it's a 2017/2018 Snow Information Press Release. I reviewed that press release ([here's a link to it](#)), and I don't see anything in regard to a 3 day notice.

Did this policy possibly change sooner than you may have thought it did?

I don't know if this would be helpful, but I'm able to print the full log (which is unable to be altered) as proof if necessary. But the complainant would need to be able to tell us exactly where his wife saw the information. Without that, I don't know that I can search any further.

Stacey L. Groll

Assistant to Mayor Justin M. Nickels

City Hall | 900 Quay Street | Manitowoc, WI 54220
920.686.6980 | sgroll@manitowoc.org
www.manitowoc.org

"Be mindful. Be grateful. Be positive. Be true. Be kind." – Roy T. Bennett



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From: Deborah Neuser
Sent: Wednesday, January 8, 2020 1:39 PM
To: Stacey Groll; Karen Dorow; Dan Koski; Jane Rhode; Mackenzie Reed-Kadow

Cc: Kathleen McDaniel; Elizabeth Majerus
Subject: RE: Appeals

If you start on 3/13/19 (the date of the snow shoveling), you should find something. Citizen states he checked website immediately after receiving the invoice.

Deborah

From: Stacey Groll

Sent: Wednesday, January 8, 2020 1:29 PM

To: Karen Dorow <kdorow@manitowoc.org>; Dan Koski <dkoski@manitowoc.org>; Jane Rhode <jrhode@manitowoc.org>; Deborah Neuser <dneuser@manitowoc.org>; Mackenzie Reed-Kadow <mreedkadow@manitowoc.org>

Cc: Kathleen McDaniel <kmcdaniel@manitowoc.org>; Elizabeth Majerus <emajerus@manitowoc.org>

Subject: RE: Appeals

Yes, I should be able to track this down. Can anyone provide me with about a 3 month window that this would have been changed in? I see it says prior to the 2018/2019 snow season, but when would a determination like that been made?

Stacey L. Groll

Assistant to Mayor Justin M. Nickels

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From: Karen Dorow

Sent: Wednesday, January 8, 2020 9:53 AM

To: Dan Koski; Jane Rhode; Deborah Neuser; Mackenzie Reed-Kadow; Stacey Groll

Cc: Kathleen McDaniel; Elizabeth Majerus

Subject: RE: Appeals

Sue and I did not change this. Stacey is there an audit trail that will tell us who and when it was changed?

Karen Dorow | Business Manager
City of Manitowoc
900 Quay Street

Manitowoc, WI 54220
Office (920) 686-6514
Mobile (920) 374-0404



From: Dan Koski
Sent: Wednesday, January 08, 2020 9:16 AM
To: Jane Rhode; Deborah Neuser; Mackenzie Reed-Kadow; Stacey Groll; Karen Dorow
Cc: Kathleen McDaniel; Elizabeth Majerus
Subject: RE: Appeals

Thanks,

Stacey and Karen, please see below. By any chance do either of you know when this came off the website?

Thanks

Dan Koski, PE
Director of Public Infrastructure
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220

dkoski@manitowoc.org
Phone: (920) 686-6910
Fax: (920) 686-6906

www.manitowoc.org

From: Jane Rhode
Sent: Wednesday, January 08, 2020 9:14 AM
To: Dan Koski; Deborah Neuser; Mackenzie Reed-Kadow
Cc: Kathleen McDaniel; Elizabeth Majerus
Subject: RE: Appeals

No, sorry I don't...maybe Stacey would? And I have NO recollection of talking w/anyone about this...sorry.

From: Dan Koski
Sent: Wednesday, January 08, 2020 9:02 AM
To: Deborah Neuser; Mackenzie Reed-Kadow; Jane Rhode
Cc: Kathleen McDaniel; Elizabeth Majerus
Subject: RE: Appeals

Oh sorry, I do remember this one now, and I did ask Chad about it. Below is what he said.

Jane, do you know when it came off the website by any chance?

There was old city policy, not ordinance, that we did give a 3 day notice. We changed this prior to 2018/19 snow season when we started contracting the private walk removals. Committee/attorney agreed that the ordinance allows for us to shovel after the allotted time below and that the three day notice was not needed. Mainly for safety. There would be committee minutes somewhere, but I would have to search for them.

(1) Removal. It shall be the duty of the lessee, occupant of the first or ground floor or person having charge of a building, or, if there be no lessee, occupant or person having charge, then the owner of each and every parcel of real estate in the City of Manitowoc, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the **sidewalk** in front of or adjacent to such premises to the full paved width of such **sidewalks**. Any newly fallen snow or newly formed ice which is on any such walk at 6:00 a.m. of any day shall be removed from such walk by 8:00 p.m. of the same day; provided, that where footways or **sidewalks** have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street or way which is used in common as a footway.

(6) Duties of Director of Public Infrastructure. It is hereby made the duty of the Director of Public Infrastructure or person performing the duties of that office to cause each such **sidewalk** mentioned in subsection (1) of this section to be cleaned of snow and ice or properly sanded or sprinkled with an equivalent thereto, in each case where the owner abutting the premises has refused or neglected to perform the duties in respect thereto rendered on him by subsection (1) of this section and the prevailing cost of the same to be assessed against the owner.

I can't say whether or not this was or wasn't on the website when they received their bill? It is not on there now. Maybe Jane would know when it came off since this persons mentions her by name?

Dan Koski, PE
Director of Public Infrastructure
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220

dkoski@manitowoc.org
www.manitowoc.org

phone: (920) 686-6910
fax: (920) 686-6906



From: Deborah Neuser
Sent: Wednesday, January 08, 2020 8:51 AM
To: Dan Koski; Mackenzie Reed-Kadow
Subject: RE: Appeals

Dan – in the appeal there is mention of something being on the website and that it was removed after he called and talked to Jane. I'm sure the committee will be asking what that was. Any clue?

Deborah

From: Dan Koski

Sent: Wednesday, January 8, 2020 8:40 AM

To: Mackenzie Reed-Kadow <mreedkadow@manitowoc.org>; Deborah Neuser <dneuser@manitowoc.org>

Subject: Appeals

Are there any appeals on the board of Public Works today?

Thanks

Dan Koski, PE

Director of Public Infrastructure

City of Manitowoc

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To: Dan Koski; Mackenzie Reed-Kadow
Subject: RE: Appeals

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Sent: Wednesday, January 8, 2020 8:40 AM
To: Mackenzie Reed-Kadow <mreedkadow@manitowoc.org>; Deborah Neuser <dneuser@manitowoc.org>
Subject: Appeals

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NOTICE TO BIDDERS

Notice is hereby given that Vbids through Questcdn will be received by the Board of Public Works of the City of Manitowoc, Wisconsin, at the Engineering/Planning Conference Room in the City Hall at 4:00 P.M., Wednesday, January 8, 2020, for Tree & Stump Removal for Sidewalk Remove & Replace Program, Project #WO-20-11, according to plans and specifications on file at the Department of Public Infrastructure.

Detailed specifications, with form of contract and bond, are available for a non-refundable fee of \$45.00 through Quest (project #6631933). A bid bond or Surety 2000 in the amount of 5% of the bid must accompany each proposal as a guaranty. The right to reject any or all bids or to waive any informality is reserved by the City.

ONLINE ELECTRONIC BIDDING THROUGH QUESTCDN IS THE ONLY WAY THE BID WILL BE ACCEPTED. TO ACCESS THE ELECTRONIC BID FORM, DOWNLOAD THE PROJECT DOCUMENTS AND CLICK THE ONLINE BIDDING BUTTON AT THE TOP OF THE ADVERTISEMENT.

SPECIFICATIONS ARE AVAILABLE FOR DOWNLOAD AT QUESTCDN.COM OR WWW.MANITOWOC.ORG. (QUEST PROJECT #6631933)

THE CITY OF MANITOWOC IS AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE ON THE BASIS OF HANDICAPPED STATUS IN ADMISSION OR ACCESS TO, OR TREATMENT OR EMPLOYMENT IN, ITS PROGRAMS AND ACTIVITIES.

Dated this 20th day of December

Published: December 24, 2019 and December 31, 2019

(Signed) Deborah Neuser, City Clerk

Published by authority of the Common Council of the City of Manitowoc, Wisconsin.