

Jerry Mutza

W206 S7944 Pasadena Drive
Muskego, WI 53150

CITY OF MILWAUKEE

2003 MAY 20 AM 8:20

Betty Mutza

(262) 679-0200

FAX (262) 679-0201

RONALD D. LEONHARDT
CITY CLERK

May 14, 2003

Grant F. Langley
City of Milwaukee
Office of City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

RE: 03-S-151

Dear Mr. Langley:

In reference to your letter dated April 24, 2003 and postmarked April 30, 2003 regarding our claim in the amount of \$345.39, relating to the weed cutting charges placed on our 2001 tax bill for our property located at 4400 S. 13th Street. You stated you are denying our claim. I am hereby appealing this decision and I am requesting a hearing.

Waiting to hear from you.

Sincerely,



Gerald Mutza

CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY
03 MAY 20 PM 3:16

Jerry Mutza

W206 S7944 Pasadena Drive
Muskego, WI 53150

Betty Mutza

(262) 679-0200
FAX (262) 679-0201

March 27, 2003

Attorney Grant Langley
Office of the City Attorney
City of Milwaukee
200 E. Wells Street Room 800
Milwaukee, WI 53202

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

RE: Levy Year 2001 Tax Key Number: 596-9994-100-4
Property Address: 4400 S. 13 Street

Dear Mr. Langley:

I'm writing this letter in regard to disputing a decision from the Sanitation Department for a bill we received from the City of Milwaukee for having the grass cut at a property that we own located at 4400 S. 13th Street. This matter was brought to our attention when we received a special assessment on our tax bill for \$345.39 to cut grass at that location on our 2001 real estate tax bill.

This is an industrial property that we do not live at so we contacted Mr. Bill Idzikowski to discuss this matter in detail. We were told that he received a complaint that the grass was too long. I'm enclosing photo copies of an invoice that we have paid to the landscaping company that we contract our grass cutting with. If you review their invoice #35230 dated June 3, 2001 from Liban's Quality Service you will notice that we paid \$70 to have the grass cut on May 4, 2001. The alleged notice to cut the grass was processed on May 18th. I can't imagine how long grass can grow in a 2 week period that would precipitate the aggravation that the City of Milwaukee is putting us through. The same invoice indicates that when our contractors stopped to cut grass on May 25th that it was already cut by somebody. The grass that the City had cut is inside a chainlinked fence covered with vines to shield the property from public view. The pictures of the property show that you would have to enter the property to view the grass in question. I suspect that the complaint that Mr. Idzikowski received about long grass probably wasn't even for our property since the grass was cut only 2 weeks earlier. As you review this dispute please think about your grass at home. Would it warrant a notice by the City if you hadn't cut it for 2 weeks? Rather than contacting us by phone or sending us a notice in the mail the way fire inspection does if there is a problem, Mr. Idzikowski opted to affix a 5 inch by 6 inch notice somewhere on the 10,000 square foot building on a 5 acre parcel of land stating that the grass needs to be cut. If you look at the photocopy of the 3 day notice to cut grass that we received from Mr. Idzikowski you'll notice that it was dated Friday, May 18th and the order to Mr. Santos to cut the grass was issued on Monday, May 21st. I can't believe that the State Statutes would allow a Saturday and Sunday as being part of a 3 day notice. The speed at which this order was handled leads me to believe that there is more to this picture than meets the eye. I don't believe that long grass is a threat to the public health and safety to require this type of urgency. I think that a phone call or written notice would have been appropriate. When we questioned him as to the method of notification we were told that according to the state statutes he is not required to notify us by telephone or mail. All he needs to do is post the notice on the building. I told him that all he had to do was to give the notice to one of the eight business tenants on the premises and they would have notified me. He told me that the supervisor that delivered the notice was not able to find any tenants. There are 8 walk-in entrances and 4 overhead doors that the notice could have been posted on. I'm sure one of my tenants would have called me if the notice would have been posted on their walk-in entrance. But Mr. Idzikowski told me that the notice was posted on concrete block on the corner of the building. I honestly don't believe that if the notice was delivered, it was delivered with the intention of anyone finding it. Wouldn't it be more expedient and economical to spend 10 cents on a phone call and 32 cents to mail the notice than it is to send a supervisor to drive over to the building to post the notice on the building. I'm sure that supervisor was paid more than 42 cents to perform that task. I believe every city employee

that handled this situation were absent from school when they were teaching common sense. If this notice was delivered between the hours of 6AM & 8PM I know for a fact that it wouldn't have taken very much effort to find someone in the building. This is not a vacant property. The state statutes that dictates the method of notification for grass cutting needs to be changed but that is another matter that will be addressed after this dispute is resolved.

Aside from the imprudent notification there is the matter of the amount paid to the contractor that the city used to cut the grass. We are not deadbeat Milwaukee slum landlords. We have a contract with a landscaping company to cut the grass at this location on a regular basis. He charges us \$70 each time he cuts the grass. Prior to contracting this work out we used to cut the grass ourselves. We have experienced that it takes about 1 1/2 hours to cut this amount of grass so we are not ignorant as to what it should cost to have this job done. The bill that we received for \$345.39 was extremely excessive. We would have to be stupid to pay the City five times what we would normally pay to have the grass cut. Who in their right mind would pay someone \$230.26 an hour to ride a lawn mower around for an hour and a half. Even if they were slow workers and it took them 2 hours, \$172.69 an hour to mow grass is ludicrous.

It would have been a lot more cost effective for Mr. Idzikowski to take out 10 minutes of his time to call the tax assessor to get our name, address and telephone number. With that information he could have called us and sent us a constructive notice by mail so that we could have resolved the matter immediately. This would have probably taken an extra day for mail service but remember this is not an issue of public health and safety. He didn't seem to have any problem getting our name, address and tax key number when he had the bill assessed. Instead he opted to physically send his supervisor to the property to affix the alleged notice to the building after which he alleges that he contacted several landscaping companies to get bids (but when we asked to see the other bids he was unable to produce them) then have someone come out to cut the grass. While the grass was being cut another individual went to the property to take pictures of the alleged long grass. I think this department has its priorities mixed. Instead of spending no more than 20 minutes and 42 cents to call us and send us a constructive notice in the mail, he sent his supervisor to the property to affix the notice to the building in an inconspicuous place (30 minutes) then he said he called 3 landscaping contractors to get estimates to have someone do the job (at least 30 minutes). He met the contractor on site so he could take pictures (no telling how long that took but lets say another 30 minutes). Then he still has to process the contractors bill and call the tax assessors office to have the grass cutting bill put on to our tax bill (probably another 30 minutes). Seven months later at the end of the year I get my tax bill and see the \$345.39 assessment for grass cutting and say to myself what in heavens name is this all about. I called Mr. Idzikowski to find out what precipitated the \$345.39 bill. He explained on the phone what transpired in this action after which he confirmed his explanation in a letter that he sent to us by e-mail (about another 30 minutes). Then a visit at Mr. Idzikowski's office at 6th and Waterford to get more information regarding the matter (an additional 30 minutes) to photocopy pictures for us. I gave him photo copies of the bills that I had from our landscaping contractor to confirm that in fact he does only charge us \$70 per cutting. At this point in time Mr. Idzikowski said he would discuss this matter with his supervisor and have someone get back to me. Within about 2 weeks after my conversation with Mr. Idzikowski I got a call from (someone from the City whom I'm presuming may have been Rick Limon, the supervisor, that posted the alledged notice on the corner of the building) who told me after a half hour debate regarding why I should pay the city 5 times what I pay our regular landscaper to cut the grass at 4400 S. 13th Street that he would be willing to settle this matter for \$150.00. I told him that I refused to be intimidated to pay any more than the \$70.00 that I pay our regular contractor. He told me that I had no choice but to pay the \$150.00. At this point in time its the principle of making city employees more accountable for their actions. It's obvious that the state statutes regarding notice for grass cutting needs to be revised.

So far we have about 3 1/2 hours of the City of Milwaukee's time, plus whatever time it takes for you to review this dispute, not to mention the countless hours that we have invested in discussion with Mr. Idzikowski and preparing this document plus time dealing with your collection agent. Then if you don't agree to a settlement whatever amount of time it takes to go through small claims court, when this could have been resolved in about 20

minutes with a phone call and a constructive notice in the mail in the first place. Somehow I just don't believe that the lack of good judgment in this matter is really happening.

Very, very poor judgement and lack of common sense on the part of Mr. Idzikowski and the City of Milwaukee handling this matter.

We have no objection to paying a fair price to have this grass cut but we do object to getting gouged by the City of Milwaukee for \$345.39 when it only costs us \$70 to have the same job done. There seems to be something fishy here. How could anyone in their right mind bill us 5 times what it would normally cost us. We do not object to paying a fair price for this service. We have already showed Mr. Idzikowski copies of our invoices from our landscaper to verify our cost and told him that we are willing to pay the fair price of \$70. I understand that Mr. Idzikowski had the grass cut by A.P. Santos Co.. I took the liberty to call Mr. Santos to give us an estimate to cut the grass at this location and guess what!! His price is \$70.00 per cutting (copy of his business card and price enclosed). Isn't that a revelation? If Santos charged the City more than \$70.00 I would suspect a kickback to city officials with the balance of the \$345.39. Mr. Idzikowski told us not to feel bad because we were only 1 of over 300 property owners that they had done this to. Now if we were overcharged by \$275.39 to cut grass on our property and if the other 300 property owners were similarly overcharged there is a potential of \$82,600 that could have been shared by grass cutting contractors and city officials. I believe this department needs to be investigated to find out why they would authorize such exorbitant billing of tax payers and in fact find out if there are any payoffs between contractors and city officials. I'm sure one of the TV stations would be more than happy to look into this for you if your office is unwilling to take the initiative to look into this practice yourself.

This practice needs to be changed. It isn't a matter of hiding behind the provisions of the state statutes, it's a matter of fair and equitable dealing by the City of Milwaukee with the property owners that pay real estate taxes.

At this point in time I believe the City of Milwaukee should be reviewing the outrageous prices that your contractors are charging to do work for you. It's obvious that they, as well as the city needs to be more accountable. Just because your intention is to pass the cost on to the tax payer of the property does not give you the right to pay an outrageous price to the contractor. If this is an example of how the city controls their expenses it's no wonder our real estate taxes are so high.

My final statement in this dispute is our observation of the length of the grass and weeds at the City of Milwaukee ward yard located at 32nd and Pabst Avenue. I don't mean to point fingers but judging from the pictures I've enclosed it appears that the City is also a serious offender of their own ordinance. It's obvious that the grass and weeds are at a length of 10 to 30 inches. I believe the statement that "people that live in glass houses should not throw stones" would be appropriate here. There seems to be a double standard of how tax payers should take care of their property and how the City takes care of its property.

Now if you're interested in sending us a revised bill for \$70 we will drop a check in the mail immediately. If after this explanation you feel it necessary that we as tax payers need to go through your collection agent so be it. Give us a date and we will be happy to meet with him. If he doesn't see this matter (on it's merits for what it is) we are prepared to have him take us through the court system. I'm sure a judge will be more understanding and unbiased than the City of Milwaukee. The City of Milwaukee and it's tax payers should not be adversaries.

Sincerely,


Jerry Mutza



A.P. SANTOS
ENTERPRISES

Professionals in
Property Maintenance

- Snow Removal •
- Lawn Care •
- Soil Tilling •
- Stump Removal •
- Tree & Shrub Trimming •
- Rubbish Removal •

Tony Santos

6054 S. 21st Street
Milwaukee, WI 53221

Home Ofc. 414 • 282 • 4564
Mobile Phone 414 • 491 • 8834

\$7000.
PER
CUTTING

10-21-02

Issued
To Santos
5/21/2001
GIC

City of Milwaukee
SANITATION DIVISION
WEED DESTRUCTION NOTICE

Not cut
5/21/2001
DATE 5/18/01 GIC

To: OWNER OR OCCUPANT OF PREMISES

AT 4400 S. 13

TALL GRASS ENTIRE PROPERTY

As of the above date, weeds were observed growing at the above listed location. This is in violation of City Ordinance No. 80-17, which recites, in part:

"... no weeds of any kind shall be permitted to grow or stand more than nine inches high on any premises in the City..."

80-17 goes on to the state:

3 days TO CUT

"It shall be the duty of the owner and the tenant, or occupant of any leased or occupied premises, and the duty of the owner of any vacant or unoccupied premises within the City of Milwaukee to comply..." with this ordinance by cutting or otherwise destroying said weeds.

A forfeiture ranging up to \$100.00 may be assessed against anyone found guilty of violating this ordinance.

If weeds remain after three days, the City will enter the property and cut or otherwise destroy the weeds and the cost of such work becomes a tax on the property per Sec. 66.98(1), Wisconsin Statutes.

May we have your cooperation?

RICK LIMON
Supervisor

District S-C

Form SS-42

GENERAL INFORMATION

ADDRESS	4400 THRU 4400 S 13TH ST
TAXKEY	596-9994-100-4
OWNER	GERALD MUTZA & BETTY HW
OWNER ADDRESS	W206 S7944 PASADENA DR MUSKEGO WI 531500000

INVOICE

No. 35230

LIBAN'S QUALITY SERVICES
P.O. BOX 510446
New Berlin, Wisconsin 53151-0446
545-8859

DATE June 3, 2001 Ln01

Mr. Gerald Nutza
W206 S7544 Pasadena Dr.
Muskego, Wis 53150

PROFESSIONAL SERVICES AND LABOR	AMOUNT
5-4 cut grass	\$70.00
5-25 we came to cut grass it was all ready cut by somebody	NC
<i>pd 6-21-01 \$105.00</i> <i>\$70.00</i>	
Payment within 10 Days After 30 days 1.5% Interest	Total... \$70.00

DETACH YELLOW COPY & RETURN WITH CHECK
PAY LAST AMOUNT IN THIS COLUMN