



CITY OF MANITOWOC

WISCONSIN, USA

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TO: Personnel Committee
FROM: Eric G. Nycz, Assistant City Attorney
RE: City Attorney's Office Update – March 2023
DATE: March 1, 2023

In addition to drafting legislation and reviewing contracts as requested by City departments, the City Attorney's Office has worked on the following projects and initiatives since my last update dated January 31st, 2023:

Environmental Remediation

- Lemberger Landfill: Work continues as planned. I have taken the lead going forward.
- Gravel Pit: Godfrey Kahn continues as legal counsel. Watermain project continues. Meetings with environmental expert Dave Henderson to discuss projects and budget requests for the year.
- Mirro Plant No. 9: Godfrey Kahn is legal counsel for cost recovery efforts.
- WPS Superfund Site: No update.

Open Records Requests

- Extensive open records request filled – former Police Officer encounter with a citizen.
- Numerous routine open record requests – Building Inspection records; settlement records.

Litigation, Prosecution, and Neighborhood Improvement

- MAVCB/Hearty Olive suit: Smitha Chintamaneni, along with Attys. Douglas Raines and Amy Ambro of Husch Blackwell, LLP handling for City. Oral ruling on Motions for Summary Judgment will be March 9, 2023.
- Howell suit: no update, Brian Beisenstein of Menn handling for City.
- Lewandowski suit: no update, Rich Bolton of Boardman Clark handling for City. Dispositive motions are due April 3, 2023, while the discovery deadline is today. Mr. Lewandowski remains unrepresented.
- Lowe's suits: Ryan Braithwaite of Stafford Rosenbaum handling for City
Lowe's v. Delavan: On February 16, 2023, the Wisconsin Supreme Court ruled in favor of Delavan in an overall excellent decision for municipalities. I suspect our cases with Lowe's will resolve in short order, and in our favor.
- Raze Order issued for 847 North 11th Street – The period to object has now expired; coordinating with Building Inspection on timeline for razing the structure.

Economic Development

- CD Department's upcoming projects
 - Metal Ware – waiting on developer
 - Old Heresite property – ongoing
 - AMMO Option to Purchase
 - OTP for River Point Land Purchase / Development: Ongoing amendments

- River Point - Lease termination discussions with Braun Building to facilitate sale to developer.
- Wisconsin Aluminum Foundry WAF Easement for gas lines on South 16th Street – edits finalized.
- Schaus Roofing & Mechanical new warehouse building over City's 24" sanitary sewer – new revisions.
- Briess Malting – HAP Award to dredge the river and meetings on vault damage on South 7th Street.
- Continued discussions of the Stecker petition to detach from the City and the precedent it will set if it detaches, including discussions with other CA offices around the state.

Insurance/Risk Management

- Reviewed claims filed against the City, reported to and consulted with insurance (CVMIC) and Finance as appropriate.
- ADA Title II work in progress, bimonthly meetings scheduled. City needs to appoint a new ADA coordinator and issue new policies as appropriate.
- Secondlook/National General Insurance Subro Claim re Josh McMullen – near finalization.
- Waiting on new invoices from MPIC and CVMIC 2023 polices due to WWTF / MPU / lift station matters.

Labor Matters

- Assist unionized departments with personnel matters, as needed.

Office Matters/Additional Information

- vonBriesen Attorneys Steven Sorenson and Kyle Gulya, are on-call, as needed, but were once again not needed over this period.
 - WEDC Grant (SAG Funds) Contract for River Point District
- Review of new State law on binding authority language for all LLCs and partnerships to ensure all City permits and contracts are signed by a person who may bind the entity to a contract; revision of existing permits, license applications, and contracts to comport with this law – on hold pending Mayor approval.
- Cell tower lease negotiations at 736 Revere Drive to increase use of the tower and revenue to the City – letter of intent signed.
- Presentations for Manitowoc PD In-Service Training continues.
- Assisted Finance with delinquent room tax fee issues.
- Held interviews for replacement of Paralegal position due to retirement of the irreplaceable Jane Rhode.
- Censure of Alderperson Steven Czekala.
- Finalized Ord regulating parking of recreational vehicles (RV's) on City streets.
- Finalized Ord setting sewer rates effective 3/1/2023.
- Charter Ordinance for indefinite tenure for appointments of City Officers.
- Drafted Privacy Policy for Tourism Website – discussions with Courtney Hansen.
- Ordinance for malt beverage events in parks and at the Aquatic Center (Citizen Park).
- Reviewed and updated PD's response and correspondence for when animals are deemed dangerous.
- Attempting to acquire a strip of land from CVS to complete bike/trail path along Johnston Drive.

Monthly Reporting on Workload

- Numerous Requests for Legal Services received, and have been handled completely in-house (this is greater than 60% of attorney workload).
- PKS, LLC, d/b/a Bridgeview Bar Notice of Circumstances of Claim - 2 Maritime Drive – negotiations.
- Traffic / ordinance prosecution continues to be pre-trialed and scheduled for trial, if requested.
- Increase in defendant requests to reopen defaulted/closed citations continue.
- Trials scheduled into June 2023.
- Jury trials scheduled into September following a change in the statewide defense bar's approach to OWI trials.